

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

■ 9-1-1 SERVICE

The DEPARTMENT OF STATE POLICE adopted a new Part titled Consolidation of 9-1-1 Emergency Systems (83 IAC 1324; 40 Ill Reg 3176), effective 6/29/16, implementing Public Act 99-6, which transferred authority to establish technical and operational rules for 9-1-1 systems under the Emergency Telephone System Act from the Illinois Commerce Commission to DSP. (A companion emergency rule, effective 12/31/15, expired on 5/28/16; five other new Parts implementing the PA were adopted effective 5/27/16.) The new Part establishes procedures for submission and review of consolidation plans and requests for waivers with respect to local 9-1-1 emergency systems. Changes since 1st Notice include removal of penalties for noncompliance with a Section that set a 7/1/16

deadline for certain 9-1-1 authorities to submit consolidation plans or waiver requests. Those affected by these rulemakings include local governments and private and public telecommunication providers.

Peremptory Rule, Page 3

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

■ FOOD SERVICE

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Food Service Sanitation Code (77 IAC 750; 40 Ill Reg 1503), effective 6/29/16, that adopt and incorporate the US Food and

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Proposed Rulemakings

DRIVERS' LICENSES

The SECRETARY OF STATE proposed amendments to Cancellation, Revocation or Suspension of Licenses and Permits (92 IAC 1040; 40 Ill Reg 9332) that change SOS policy regarding payment of reinstatement fees for licenses with multiple suspensions and/or revocations in effect at the same time. The amendments provide that a separate reinstatement fee will be charged for each suspension or revocation (currently, for concurrent actions requiring reinstatement fees, only the highest fee for a single action is charged). The amendments also remove outdated procedures for determining whether a suspension/revocation should be imposed for a crash involving a fatality, since revocation is now required by law

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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

(cont. from page 1)

Drug Administration's model 2013 Food Code and repeal numerous Sections of the present code to avoid conflict, duplication or inconsistency with the FDA Code. Since 1st Notice, DPH has postponed the implementation date to 7/1/18 (originally, 1/1/17); retained rules governing temporary food service that were originally proposed for repeal; and added, retained and clarified various definitions (e.g., "repeat violation"). Food service establishments and local health departments are affected by this rulemaking.

AIDS DRUG ASSISTANCE

DPH also adopted an amendment to AIDS Drug Assistance Program (77 IAC 692; 40 Ill Reg 5413) effective 6/29/16 updating the Federal Poverty Level income figures used to determine eligibility for the program. (Persons with gross incomes up to 300% of FPL for their household size may qualify for the program.)

Questions/requests for copies of the 2 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, e-mail: rules@idph.state.il.us

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 40 Ill Reg 5047)

effective 7/1/16 that implement 2 recent collective bargaining agreements, make the Part's provisions generally applicable for Fiscal Year 2017, implement merit incentive and gain sharing programs for employees in the Merit Compensation System, and reflect an increased minimum wage in the City of Chicago. The merit incentive program provides one-time bonuses for individual employees, groups or units deemed "high performers", while the gain sharing program provides one-time bonuses for individuals, groups or units who propose initiatives that result in substantial savings to the State. These bonuses will not be included in the person's base salary and do not count towards future pensions. The rulemaking also implements 4-year collective bargaining agreements with Teamsters Local 330 and Local 916, effective 7/1/15 through 6/30/19; these agreements include wage freezes, merit incentives, gain sharing, and other provisions included in previous Teamsters contracts for the same period. Other provisions of this rulemaking establish an in-hire rate of \$10.50/hr (\$1,713/mo) effective 7/1/16 for state employees in the MS-01 salary range (trainees, interns, student workers, and conservation/historic preservation workers) who work in the City of Chicago; update rules concerning treatment of salary upon return from leave; update the definitions of classification, divided class, option, reallocation, and

reclassification; remove the Hearing & Speech Technician I title abolished by the Civil Service Commission; and make various corrections.

Questions/requests for copies: Jason Doggett, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, CMS.PayPlan@illinois.gov

UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted amendments to Qualifying Infrastructure Plant Surcharge (83 IAC 656; 39 Ill Reg 13320) effective 7/1/16 concerning charges added to customer utility bills to pay for construction of, or improvements to, water and sewer plants. The rulemaking limits QIP surcharges (currently capped at 5%) to no more than an annual average increase of 2.5% since the most recent rate order for the affected rate zone, and no more than a 3.5% increase in any given year for the rate zone. Infrastructure investment costs that were already included in the utility's base rate shall not be included in a QIP surcharge. The rulemaking also makes changes in the formula for calculating QIP surcharges; requires utilities to submit an annual internal audit report to ICC to verify proper implementation of the surcharge; includes instructions for reconciling projected and actual costs for

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Proposed Rulemakings

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for any moving violation that results in a fatality.

Questions/requests for copies/comments through 8/29/16: Jennifer Egizzi, SOS-Driver Services, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

■ LAB SERVICE FEES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Laboratory Service Fees (77 IAC 475; 40 Ill Reg 9325) allowing the Department to contract with commercial and government laboratories for additional laboratory services as needed. Commercial and governmental laboratories will be impacted by this rulemaking.

Questions/requests for copies/comments through 8/29/16: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

■ INTERNATIONAL ADOPTION

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed repeal of the Part titled Intercountry Adoption Services (89 IAC 333; 40 Ill Reg 9308) in response to Public Act 99-49, which abolished the position of DCFS intercountry adoption coordinator and removed additional State requirements for intercountry adoption beyond those required by the federal Intercountry

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 40 Ill Reg 9658), effective 6/30/16, implementing a 4-year collective bargaining agreement, effective 7/1/15 through 6/30/19, between the Department of Human Services and the Illinois Federation of Teachers bargaining unit (AFL-CIO Local 919) representing 55 teachers at the Illinois School for the Deaf in Jacksonville. The amendments update to 7/1/15 the effective dates of current teaching pay rates and pay rates for extracurricular activities (e.g., coaching); freeze step increases for the duration of the agreement; and institute merit incentive and gain sharing programs for bargaining unit employees. Merit incentives for FY16 and subsequent fiscal years will consist of one-time, non-pensionable bonuses for high performing employees, paid

from a bonus pool of 2% of that fiscal year's budgeted base salary costs for all bargaining unit employees. Half of this pool will be distributed equally among all employees who miss no more than 7 assigned work days (or 56 assigned work hours) and commit no work policy violations during the fiscal year. The remainder will be distributed among at least 25% of the affected bargaining unit employees who meet performance standards developed by the employer and the union. In addition, a performance bonus of \$1,000 for the period 7/1/15 through 6/30/16 will be awarded to employees who missed fewer than 5% of their assigned work days during this period.

Questions/requests for copies: Jason Doggett, CMS, 504 Stratton Bldg., Springfield Il 62706, 217.782-7964, fax 217/524-44570, e-mail: CMS.PayPlan@illinois.gov

Adoption Universal Accreditation Act of 2012. Families and agencies involved in international adoptions are affected by this rulemaking.

ADA PROCEDURES

DCFS also proposed an amendment to Americans with Disabilities Act Grievance Procedure (4 IAC 425; 40 Ill Reg 9304) that refers to the agency's

designated ADA officer by title only instead of by name.

Questions/requests for copies/comments concerning the 2 DCFS rulemakings through 8/29/16: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us

New Rules

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past QIP projects; and expands QIP projects to include certain improvements to storm sewers. Since 1st Notice, ICC has changed the definition of “NetQIP” and “ActNetQIP”, which are two of the factors used to compute QIP surcharges. This rulemaking may affect municipal water and sewer systems.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

■ SCHOOL BUS DRIVERS

The SECRETARY OF STATE adopted amendments to School

Bus Driver Permit (92 IAC 1035; 40 Ill Reg 3493), effective 7/1/16, updating an incorporation by reference of federal transportation regulations and clarifying that all medical examinations must be performed in accordance with the instructions on the SOS Physical Examination and Certificate for Illinois School Bus Driver form.

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

■ EARLY INTERVENTION

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Early Intervention

Program (89 IAC 500; 40 Ill Reg 5765), effective 6/29/16, updating the address to which requests for a due process hearing or mediation should be sent, and correcting an inconsistency regarding the length of time Early Intervention providers must keep records (the correct length of time is 6 years but one Section erroneously specified 5 years). Providers of Early Intervention services and their client families are affected.

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

JCAR Meeting Action

At its 7/12/16 meeting, the Joint Committee on Administrative Rules approved the following actions:

OBJECTION

JCAR objected to the Chief Procurement Officer for the Capital Development Board rulemaking titled Chief Procurement Officer for the Capital Development Board (44 IAC 8; 40 Ill Reg 6294).

EXTENSIONS

JCAR and the following agencies agreed to extend the Second Notice periods for the listed rulemakings an additional 45 days:

Department of Financial and Professional Regulation, Real Estate License Practice Act of 2000 (68 IAC 1450; 39 Ill Reg 15183) proposed 11/30/15

Health Facilities and Services Review Board, Health Facilities and Services Review Operational Rules (77 IAC 1130; 39 Ill Reg 16277) proposed 12/28/15

Teachers’ Retirement System, The Administration and Operation of the Teachers’ Retirement System (80 IAC 1650; 40 Ill Reg 6770) proposed 4/29/16

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 9, 2016 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF CENTRAL MANAGEMENT SERVICES

Extensions of Jurisdiction (80 IAC 305; 40 Ill Reg 5749) proposed 4/8/16

Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 IAC 900; 40 Ill Reg 6891) proposed 5/6/16

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Illinois Dental Practice Act (68 IAC 1220; 40 Ill Reg 5697) proposed 4/8/16

ILLINOIS RACING BOARD

Entries, Subscriptions and Declarations (11 IAC 1413; 40 Ill Reg 7295) proposed 5/13/16

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 40 Ill Reg 5853) proposed 4/8/16

Use Tax (86 IAC 150; 40 Ill Reg 5877) proposed 4/8/16

OFFICE OF THE STATE FIRE MARSHAL

Hazardous Materials Emergency Response Reimbursement Standards
(41 IAC 270; 40 Ill Reg 6661) proposed 4/22/16

Joint Committee on Administrative Rules

Senator Bill Brady
Senator Karen McConnaughay
Senator Matt Murphy
Senator Don Harmon
Senator Tony Muñoz
Senator Ira Silverstein

Representative Greg Harris
Representative Lou Lang
Representative David Leitch
Representative Ron Sandack
Representative André Thapedi
Representative Michael Tryon

Vicki Thomas
Executive Director