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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 17

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

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD proposed an amendment to Riverboat Gambling (86 IAC 3000; 41 Ill Reg 4483) removing the requirement that temporary and permanent identification badges for riverboat casino employees include the employee's Social Security number on the reverse side.

Questions/requests for copies/ comments through 6/12/17: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312/814-7253, e-mail: Agostino.lorenzini@igb.illinois.gov.

SBE RULE WITHDRAWAL

The STATE BOARD OF EDUCATION has withdrawn a proposed amendment to Evaluation of Educator Licensed Employees under Articles 24a and 34 of the School Code (23

IAC 50; 41 Ill Reg 1690), published in the 2/10/17 *Illinois Register*. The amendment would have required that before an individual can evaluate certified staff in the next licensure renewal cycle, that individual must complete an SBE-provided or approved retraining program. SBE withdrew this rulemaking in response to public comment pointing out the potential negative impact it would have on evaluators whose renewal cycles begin on 7/1 and are expected to conduct evaluations before the start of the school year.

New Rules

VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 40 Ill Reg 16454), effective 4/14/17, concerning information that licensees, license applicants, and persons with significant influence or control over a video gaming operation have a continuing duty to report to IGB. All such information must be reported within 21 days (formerly, "promptly"). The duty to report any arrest, summons, citation or charge for a criminal offense other than a minor traffic violation is expanded to include any changes relating to an arrest or criminal history. Failure to report these actions is subject to a fine of \$250 for the first violation and \$500 for each subsequent violation. For failure to report a nonrenewal, a failure to timely

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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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renew (added since 1st Notice), a revocation or other adverse action concerning a liquor license, a fine may be imposed equal to 50 percent (changed since 1st Notice from 100 percent) of the total net terminal income that the establishment earned while it operated without a valid liquor license. Fines imposed under either provision may be appealed and do not preclude the Board from initiating other disciplinary action. Since 1st Notice, IGB removed provisions requiring disclosure of arrests or other actions that did not result in criminal charges or of expunged or sealed arrests and dispositions. IGB also expanded the scope of this rulemaking to include licensed fraternal and veterans establishments. Video gaming establishments are affected by this rulemaking.

Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312/814-7253, e-mail: Agostino.lorenzini@igb.illinois.gov.

INSURANCE

The DEPARTMENT OF INSURANCE adopted a new Part titled Misrepresentation and False Warranties (50 IAC 941; 40 Ill Reg 11232) effective 4/14/17. The new rule provides that an insurance company cannot defeat, avoid or rescind an automobile, fire or personal line policy as defined in the Illinois Insurance Code (excluding life, accident and health, fidelity and surety policies) after a loss has occurred, or a claim has been filed, because the company opted not to obtain readily available information for named insureds and covered drivers prior to issuing the policy. “Readily available information” is

defined as information from motor vehicle records maintained by the Secretary of State and the LexisNexis Comprehensive Loss Underwriting Exchange Auto Reports.

Questions/requests for copies: Barbara Delano, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-0919, fax 312/814-2826.

LABOR RELATIONS BOARD

The ILLINOIS LABOR RELATIONS BOARD adopted an amendment to Impasse Resolution (80 IAC 1230; 40 Ill Reg 14574) effective 4/17/17, that corrects an incorrect Administrative Code citation.

Questions/requests for copies: Anna Hamburg-Gal, ILRB, 160 N. LaSalle St., Ste. 400, Chicago IL 60601, 312/793-6380, Anna.Hamburg-Gal@Illinois.gov

Joint Committee on Administrative Rules

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Senator Chuck Weaver

Representative Peter Breen
Representative Tom Demmer
Representative Greg Harris
Representative Lou Lang
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Vicki Thomas
Executive Director

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 May 9, 2017 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 CHILDREN AND FAMILY SERVICES

Americans With Disabilities Act Grievance Procedure (4 IAC 425; 40 Ill Reg 9304) proposed 7/15/16

DEPT OF HUMAN SERVICES

Administration of Medication in Community Settings (59 IAC 116; 40 Ill Reg 8512) proposed 6/24/16

Administrative Hearings (89 IAC 508; 40 Ill Reg 8541) proposed 6/24/16

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 40 Ill Reg 15645) proposed 11/28/16

DEPT OF PUBLIC HEALTH

Hospital Licensing Requirements (77 IAC 250; 41 Ill Reg 1572) proposed 2/10/17

POLLUTION CONTROL BOARD

General Rules (35 IAC 101; 41 Ill Reg 1293) proposed 2/10/17

Regulatory and Information Hearings and Proceedings (35 IAC 102; 41 Ill Reg 1364) proposed 2/10/17

Enforcement (35 IAC 103; 41 Ill Reg 1394) proposed 2/10/17

Regulatory Relief Mechanisms (35 IAC 104; 41 Ill Reg 1411) proposed 2/10/17

Appeals of Final Decisions of State Agencies (35 IAC 105; 41 Ill Reg 1446) proposed 2/10/17

Proceedings Pursuant to Specific Rules or Statutory Provisions (35 IAC 106; 41 Ill Reg 1466) proposed 2/10/17

Petition to Review Pollution Control Facility Siting Decisions (35 IAC 107; 41 Ill Reg 1524) proposed 2/10/17

Administrative Citations (35 IAC 108; 41 Ill Reg 1534) proposed 2/10/17

Tax Certifications (35 IAC 125; 41 Ill Reg 1544) proposed 2/10/17

Identification and Protection of Trade Secrets and Other Non-Disclosable Information (35 IAC 130; 41 Ill Reg 1552) proposed 2/10/17