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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 19

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

VOTER REGISTRATION

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Voter Registration Program (89 IAC 512; 41 Ill Reg 782), effective 4/25/17, clarifying certain aspects of procedures through which DHS staff, in accordance with federal law, must offer clients of public assistance or disability programs the opportunity to register to vote if they are not already registered. DHS staff must inform clients of their right to complete, or decline to complete, a voter registration application and offer clients assistance in completing the form if they desire it. No action may be taken to encourage or discourage a client from registering, and clients must not be led to believe that their decision for or against registering will affect the availability of services or benefits. Voter registration applications sent from DHS

offices will be identified by a confidential office number assigned by a deputy registrar, in order to preserve the privacy of persons who register to vote in this manner. Clients of State-operated residential mental health facilities must register using their last address prior to admission (not the address of the facility). Clients who miss the traditional registration deadline (28 days prior to an election) may still register through election day utilizing the grace period provided in the Election Code.

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

Proposed Rulemakings

DRUG ASSISTANCE

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment to AIDS Drug Assistance Program (77 IAC 692; 41 Ill Reg 4964) updating income eligibility limits based on the 2017 Federal Poverty Level guidelines. (To qualify for the program, an applicant's gross annual household income must be no more than 300% of the FPL for the person's household size, e.g., \$36,180 for 1 person, \$48,720 for 2 persons, etc.)

Questions/requests for copies/comments through 6/26/17: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

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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.

Proposed Rulemakings

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FINANCIAL INSTITUTIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed an amendment to Minimum Organizational Capital Requirements for Banks and Trust Companies (38 IAC 310; 41 III Reg 4866) and proposed repeal of 4 Parts: Reverse Mortgage Loans (38 IAC 300; 41 III Reg 4862), High Risk Home Loans (38 IAC 345; 41 III Reg 4870), Predatory Lending Database (38 IAC 346; 41 III Reg 4890) and Savings Bank Act (38 IAC 1075; 41 III Reg 4899). The Part 310 rulemaking removes a Section that simply cross-references other rules. The

repealers eliminate rules that are outdated, no longer have statutory authority or duplicate other rules.

Questions/requests for copies/comments on the 5 DFPR rulemakings through 6/26/17: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

DOI REPEALERS

The DEPARTMENT OF INSURANCE proposed repeal of 5 obsolete Parts: Reinsurance Ceded Contracts (50 IAC 1101; 41 III Reg 4925), Security Valuation Reserve (50 IAC 1401; 41 III Reg 4928), Actuarial Opinion and Memorandum (50

IAC 1408; 41 III Reg 4931), Explanation of Special and Contingency Reserves (50 IAC 1701; 41 III Reg 4957) and Adoption by Fraternal Benefit Societies of CSO 1958 Mortality Table (50 IAC 1706; 41 III Reg 4960). These Parts implement portions of the Illinois Insurance Code that have since been repealed or concern insurance industry procedures and standards that are obsolete.

Questions/requests for copies/comments on the 5 DOI rulemakings through 6/26/17: Robert Planthold, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-5445, fax 312/814-2862; or Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-0957.

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 June 13, 2017 meeting.

IL COMMUNITY COLLEGE BOARD

Public Access to Information (Repealer) (2 IAC 5176; 40 III Reg 16386) proposed 12/30/16

Access to Records of the Illinois Community College Board (2 IAC 5176; 40 III Reg 16391) proposed 12/30/16

DEPT OF INSURANCE

Acquisition of Control of a Domestic Company (50 IAC 651; 41 III Reg 312) proposed 1/13/17

Pre-Acquisition Notification (50 IAC 653; 41 III Reg 332) proposed 1/13/17

Prior Notification of Dividends on Common Stock and Other Distributions (50 IAC 655; 41 III Reg 340) proposed 1/13/17

IL ENVIRONMENTAL PROTECTION AGENCY

Procedures for Issuing Loans From the Water Pollution Control Loan Program (Repealer) (35 IAC 365; 40 III Reg 14142) proposed 10/21/16

Procedures for Issuing Loans From the Water Pollution Control Loan Program (New Part) (35 IAC 365; 40 III Reg 14243) proposed 10/21/16

Procedures for Issuing Loans From the Public Water Supply Loan Program (Repealer) (35 IAC 662; 41 III Reg 2145) proposed 2/24/17

Procedures for Issuing Loans From the Water Supply Loan Program (New Part) (35 IAC 662; 41 III Reg 2239) proposed 2/24/17

JCAR Meeting Action

At its 5/9/17 meeting, the Joint Committee on Administrative Rules and the respective agencies agreed to extend the Second Notice periods for the following rulemakings an additional 45 days:

DEPT OF HEALTHCARE & FAMILY SERVICES

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

DEPT OF PUBLIC HEALTH

Laboratory Services Fees (77 IAC 475; 40 Ill Reg 9325) proposed 7/13/16

POLLUTION CONTROL BOARD

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

Regulatory and Informational 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

Joint Committee on Administrative Rules

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