

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.

Emergency Rules

■ RENEWABLE ENERGY

The ILLINOIS COMMERCE COMMISSION adopted two new Parts by emergency rulemaking titled Certification for New Utility-Scale Wind and Solar Installers (83 IAC 461; 41 Ill Reg 6983) and Certification for Energy Efficiency Installers (83 IAC 462; 41 Ill Reg 6994) and adopted emergency amendments to the Part titled Renewable Portfolio Standard and Clean Coal Standard for Alternative Retail Electric Suppliers and Utilities Operating Outside Their Service Areas (83 IAC 455; 41 Ill Reg 6962), all effective 6/1/17 for a maximum of 150 days. Companion proposed amendments appear in this week's *Illinois Register* at 41 Ill Reg 6753 (Part 455), 6776 (Part 461), and 6778 (Part 462). The emergency and proposed rulemakings implement Public Act 99-906, which amends the Public Utilities Act and other

statutes related to energy and renewable resources. The new Part 461 institutes certification and annual recertification requirements for entities that install new utility-scale solar or wind energy projects. A fee of \$3,500 is charged for the initial certification application, but there is no charge for recertification. The new Part 462 institutes certification requirements for installers of

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energy efficiency devices, with an initial application fee of \$100 and no charge for recertification. Amendments to Part 455 require retail electric suppliers (RES) and utilities to procure increasing percentages of their statutorily-required renewable energy resources from wind and solar power, beginning with the current compliance year (through 5/31/

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New Rules

■ SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluation, Recognition, and Supervision (23 IAC 1; 41 Ill Reg 1645), Standards for Endorsements in Elementary Education (23 IAC 20; 41 Ill Reg 1680), and Standards for Endorsements in Early Childhood Education and in Elementary Education (23 IAC 26; 41 Ill Reg 1684), all effective 6/2/17. Amendments to Part 1 clarify that the Regional Offices of Education and Intermediate Service Centers may access the Educator Licensure Information Service in order to ensure educators are properly licensed and endorsed or are qualified for a particular teaching assignment. The Kindergarten Individual Development Survey (KIDS) is

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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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updated to reflect that public school districts and charter schools are required to report to ISBE on 14 State Readiness Measures and that reports will be conducted once each school year. KIDS contact persons are required to provide their contact information to ISBE and participate in a KIDS administrator training program. (Since 1st Notice, SBE has clarified that KIDS contact persons need only take this training once, and that working closely with kindergarten teachers is preferred, but not required, of the contact person.) All teachers teaching kindergarten are required to complete KIDS teacher training. The 14 State Readiness Measures will be reported for special education or alternative setting classes unless deemed inappropriate by a special education team. These measures will also be reported for English learners unless other measures are deemed more appropriate. Head teachers serving more than 50% full-time employment in place of a principal must hold a professional educator license endorsed for supervision. Effective 2/1/18, middle school teachers first assigned to grades 7 or 8 or departmentalized grade 6 teachers first endorsed in the following subjects do not need to meet the requirements for middle grades endorsements: agricultural education; business, marketing, and computer education; business, marketing

and computer education (computer programming); computer applications; computer science; family and consumer sciences; health science technology; and technology education. A person serving as a substitute driver's education teacher must be endorsed for driver's education. Amendments to Part 20 require that licensure candidates in an elementary education program need no longer obtain their endorsement by 9/1/19 as long as they are entitled for the endorsement by that date. Amendments to Part 26 reflect the changes to Part 20 and clarify that any applicant seeking an elementary or early childhood endorsement undergoing the transcript evaluation process must submit their application by 9/1/19 or 9/1/20 respectively. A change since 1st Notice to Parts 20 and 26 defines entitled as successfully completing the approved programs, skill/content area testing and practica required for that endorsement.

Questions/requests for copies of the 3 SBE rulemakings: Lindsay Bentivigna, SBE, 100 N. First St. S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

INSURANCE

The DEPARTMENT OF INSURANCE adopted an amendment to Accident and Health Reserves (50 IAC 2004; 40 Ill Reg 16504), effective 5/31/17, updating its incorporation by reference of the reserve standards promulgated by the

Emergency Rules

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18) and increasing for subsequent compliance years. An RES may meet this obligation by generating electricity with its own renewable resources, purchasing electricity generated with renewable resources in Illinois or neighboring states, or purchasing renewable energy credits. The rulemaking also addresses compliance options for alternative retail electric suppliers (ARES). Retail electric suppliers, wind and solar project developers, and energy efficiency device installers are affected by these rulemakings.

Questions/requests for copies/comments on the 3 proposed rulemakings through 7/31/17: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434

National Association of Insurance Commissioners (NAIC). The standards contained in the NAIC's 8/29/16 Valuation Manual will apply to policies issued and claims incurred on or after 1/1/17; for policies and claims prior to that date, applicable past editions of the NAIC Accounting Practices and Procedures Manual will apply.

Questions/requests for copies: Eric Anderson, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217/782-6284.

Proposed Rulemakings

LTC INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to Long Term Care Insurance (50 IAC 2012; 41 Ill Reg 6835) implementing changes to the model rules for long term care insurance adopted by the National Association of Insurance Commissioners (NAIC). These changes include new annual rate certification requirements, requiring companies requesting rate increases to provide more detailed financial information, and requiring notice to the consumer in any notice of rate increase that the consumer may opt for reduced coverage in lieu of the premium cost increase.

Questions/requests for copies/comments through 7/31/17: Anne Marie Skallerup, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-5410 or Susan Anders, DOI, 320 W. Washington St. Springfield IL 62767, 217/558-0957.

■ SEX OFFENDER TREATMENT

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Sex Offender Evaluation and Treatment Provider Act (68 IAC 1280; 41 Ill Reg 6829) concerning requirements for licensure as an associate sex offender treatment provider. The amendments clarify educational requirements for the associate treatment provider license and recognize licensure

Peremptory Rule

CONTROLLED SUBSTANCES

The DEPARTMENT OF HUMAN SERVICES adopted a peremptory amendment to Schedule of Controlled Substances (77 IAC 2070; 41 Ill Reg 7007) effective 6/1/17, implementing a recent federal Drug Enforcement Administration

as a physician, advanced practice nurse with a psychiatric specialty, clinical psychologist, licensed clinical social worker, licensed clinical professional counselor or licensed marriage and family therapist as evidence of having fulfilled the educational requirements for the associate treatment provider license. Providers of sex offender evaluation and treatment are affected by this rulemaking.

■ FINANCIAL INSTITUTIONS

DFPR also proposed amendments to the Parts titled Consumer Installment Loan Act (38 IAC 110; 41 Ill Reg 6780), Currency Exchange Act (38 IAC 120; 41 Ill Reg 6787), Financial Institutions Code (38 IAC 200; 41 Ill Reg 6793), Payday Loan Reform Act (38 IAC 210; 41 Ill Reg 6800), Savings Bank Act (38 IAC 1075; 41 Ill Reg 6805), and Title Insurance Act (38 IAC 8100; 41 Ill Reg 6822). Amendments to Parts 110, 120 and 210 allow consumer installment lenders, currency exchanges and payday lenders to keep required records

rule that adds various forms of the synthetic opioid fentanyl to the list of Schedule I controlled substances.

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

in any medium or format that accurately reproduces the original documents. The Part 110 rulemaking also abolishes a \$300 name change fee for installment lenders. The Part 200 rulemaking updates cross references to the Freedom of Information Act and to the Illinois Code of Professional Responsibility for attorneys. An amendment to Part 1075 replaces a schedule of supervisory fees with a reference to statutory fee provisions in the Savings Bank Act. The Part 8100 amendment allows electronic filing of documents. Currency exchanges, payday or installment lenders, and title insurance companies are affected by these rulemakings.

Questions/requests for copies/comments on the 7 DFPR rulemakings through 7/31/17: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

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 July 18, 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 REVENUE

Income Tax (86 IAC 100; 40 Ill Reg 15878) proposed 12/2/16

IL BOARD OF HIGHER EDUCATION

Illinois Consortium for Education Opportunity Program (Repealer) (23 IAC 2400; 41 Ill Reg 4394) proposed 4/21/17

IL GAMING BOARD

Video Gaming (General) (11 IAC 1800; 41 Ill Reg 3088) proposed 3/17/17

Video Gaming (General) (11 IAC 1800; 41 Ill Reg 2777) proposed 3/10/17

OFFICE OF THE ATTORNEY GENERAL

Hospital Financial Assistance under the Fair Patient Billing Act (77 IAC 4500; 41 Ill Reg 4426) proposed 4/21/17

OFFICE OF THE STATE FIRE MARSHAL

Small Equipment Grant Program (41 IAC 291; 41 Ill Reg 3748) proposed 3/31/17

STATE UNIVERSITIES RETIREMENT SYSTEM

Universities Retirement (80 IAC 1600; 41 Ill Reg 808) proposed 2/3/17

JCAR Meeting Action

At its 6/13/17 meeting, the Joint Committee on Administrative Rules postponed action on the Department of Healthcare and Family Services rulemaking titled Medical Payment (89 IAC 140; 40 Ill Reg 15645), which is currently on extended Second Notice, until the 7/18/17 meeting.

Joint Committee on Administrative Rules

Senator Bill Brady
Senator Karen McConnaughay
Senator Don Harmon
Senator Tony Muñoz
Senator Ira Silverstein
Senator Chuck Weaver

Representative Peter Breen
Representative Tom Demmer
Representative Greg Harris
Representative Lou Lang
Representative André Thapedi
Representative Keith Wheeler

Vicki Thomas
Executive Director