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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 41

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

■ BILINGUAL EDUCATION

The STATE BOARD OF EDUCATION adopted amendments to the Part titled Transitional Bilingual Education (23 IAC 228; 41 Ill Reg 6472), effective 9/26/17, replacing emergency amendments effective 5/24/17 at 41 Ill Reg 6687. The amendments change the screening instrument used to obtain a baseline assessment for potential English Learners in the second semester of grade 1 and grades 2 through 12 to the WIDA Screener. The MODEL screening instrument will now only be used for kindergarten and the first semester of grade 1. School districts with transitional bilingual education programs will be affected.

Questions/requests for copies: Lindsay Bentivigna, SBE, 100 N. First St. S-493, Springfield IL

62777-0001, 217/782-5270,
rules@isbe.net

■ ARCHITECTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Illinois Architecture Practice Act of 1989 (68 IAC 1150; 41 Ill Reg 7402), effective 10/13/17, allowing architecture license

Peremptory Rule, Page 2

applicants to certify by either electronic or written means that they have read and understand the Act and the Part.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, fax: 217/557-4451.

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Emergency Rulemaking

■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 41 Ill Reg 12890), effective 10/1/17 for a maximum of 150 days, which restore the income eligibility limit for the Child Care Assistance Program to the statutory limit of 185% of the Federal Poverty Level. (Since late 2015, the income limit had been 162% of FPL due to limited program resources.) A companion proposed amendment appears in this week's *Illinois Register* at 41 Ill Reg 12759. The emergency and proposed rules also update monthly income eligibility limits for each family size to reflect the current FPL and, in accordance with Public Act 100-387, add as a priority service group (in the event CCAP funding is limited in

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)

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD adopted an amendment to Riverboat Gambling (86 IAC 3000; 41 Ill Reg 4483) effective 9/28/17 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: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312/814-7253.

HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to Race Track Security and Contracting Goals (11 IAC 425; 41 Ill Reg 7422), Licensing (11 IAC 502; 41 Ill Reg 7431) and Medication (11 IAC 603; 41 Ill Reg 7438) and repealed the Part titled Race Track Leases (11 IAC 431; 41 Ill Reg 7427), all effective 10/1/17. The Part 425 amendments change the name of the Part (formerly Race Track Security) and implement Public Act 98-490 by establishing goals for awarding of contracts by organization licensees or inter-track wagering licensees to businesses owned by minorities, females, and persons with disabilities. IRB shall set these goals every calendar year as a percentage of the total dollar amount of subcontracts and purchase orders placed by a

Peremptory Rule

SNAP ELIGIBILITY

The DEPARTMENT OF HUMAN SERVICES adopted a peremptory amendment to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 41 Ill Reg 12905), effective 10/1/17, implementing federal fiscal year 2018 adjustments to SNAP income

standards (based on percentages of the Federal Poverty Level) and deductions/allowances for utility and housing costs.

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

licensee. Licensees shall propose contracting goals for the coming year by 11/1 and shall report on their compliance with the previous year's goals by 1/31. Emergency contracts (those necessary to avoid health and safety hazards or serious disruption to the licensee's operations) are exempt from these goals. Amendments to Part 502 provide that IRB will honor suspensions, revocations, and denials issued by another racing jurisdiction until that jurisdiction advises otherwise. Since 1st Notice, IRB removed provisions that concerned the effect of a ruling against a licensee on the spouse of that licensee. The Part 603 rulemaking updates Association of Racing Commissioners International (ARCI) guidelines for foreign substances to the most recent version issued 7/29/17. Finally, Part 431 was repealed because its provisions for racetrack leases are outdated and inapplicable to current Illinois racetracks.

Questions/requests for copies of the 4 IRB rulemakings: Mickey Ezzo, IRB, 100 W. Randolph, Suite 5-700, Chicago IL 60601, 312/814-5017, Mickey.ezzo@illinois.gov

ELECTIONS

The STATE BOARD OF ELECTIONS adopted an amendment to the Part titled Procedures for Implementing the Electronic Canvass (26 IAC 219; 41 Ill Reg 6474), effective 9/26/17, correcting numbering errors in the Vote File Record Structure Table used when submitting electronic canvass results to the State Board.

Questions/requests for copies: Kenneth Menzel, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62708, 217/782-4141, fax: 217/782-5959, email:kmenzel@elections.il.gov

Proposed Rulemakings

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Assistance Programs (89 IAC 120; 41 III Reg 12692) implementing Public Act 99-870, which establishes medical assistance eligibility for certain foreign-born victims of trafficking, torture or other serious crimes. Non-U.S. citizens applying for federal refugee or asylum status as torture or trafficking victims, along with their immediate family members (spouse, children, parents, or siblings under age 18), are eligible if the victim provides a sworn, written statement and credible written documentation of his or her status, resides in Illinois and meets income and asset limits. Applications for assistance under this eligibility category will be accepted beginning 1/1/18. HFS also proposed amendments to Medical Payment (89 IAC 140; 41 III Reg 12709) removing references to defunct provider assessment programs.

Questions/requests for copies/ comments on the 2 HFS rulemakings through 11/27/17: Mollie Zito, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

■ VIDEO GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800;

41 III Reg 12670) clarifying that the criteria for occupational licensure established in the Riverboat Gambling Act also apply to video gaming license applicants. The rulemaking also defines a "prima facie case" as evidence submitted by a license applicant to rebut an allegation made in an IGB notice of denial, or to provide additional evidence not considered by IGB when a licensing determination was made. Video gaming licensees and their employees will be affected by this rulemaking.

Questions/requests for copies/ comments through 11/27/17: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312-814-7253, e-mail: Agostino.lorenzini@igb.illinois.gov

ELECTIONS

The STATE BOARD OF ELECTIONS proposed amendments to Campaign Financing (26 IAC 100; 41 III Reg 12766), Practice and Procedure (26 IAC 125; 41 III Reg 12793) and Personnel (26 IAC 212; 41 III Reg 12813). The Part 100 amendments clarify various aspects of the Campaign Finance Act, including how to report in-kind contributions and loans made to political committees, the application of contribution limits, permissible expenditures by independent expenditure committees, the process of removing contribution limits due to self-funding and independent expenditures, and procedures for committee

Emergency Rulemaking

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the future) all non-TANF families with incomes at or below 185% FPL that need child care assistance to participate in education or job training. Child care providers and families enrolled in CCAP are affected by this emergency rule.

Questions/requests for copies/ comments on the proposed rulemaking through 11/27/17: Tracie Drew, at the DHS address on page 2.

appeals based on electronic filing problems. Amendments to Part 125 establish that the date of a violation, rather than the date a penalty is assessed, marks the beginning of the 2-year stay period for penalties assessed against political committees. Other changes align the Part with current hearing procedures and lengthen the amount of time for a motion to reconsider. Finally, amendments to Part 212 address SBEL personnel matters such as hiring interviews, access to employee personnel files, family medical leave, and compensatory time for staff who work on the biannual General Election Day (a State holiday).

Questions/requests for copies/ comments on the 3 SBEL rulemakings through 11/27/17: Kenneth R. Menzel, at the SBEL address on page 2.

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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 November 7, 2017 meeting.

BOARD OF EXAMINERS

Certificate of Education and Examination Requirements (23 IAC 1400; 41 Ill Reg 7699) proposed 7/7/17

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Licensing and Regulation of Pawnbrokers (38 IAC 360; 41 Ill Reg 7385) proposed 6/30/17

STATE UNIVERSITIES RETIREMENT SYSTEM

Universities Retirement (80 IAC 1600; 41 Ill Reg 10237) proposed 7/28/17

SECRETARY OF STATE

Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 41 Ill Reg 1) proposed 1/6/17

Collection of Fees (92 IAC 1003; 41 Ill Reg 16) proposed 1/6/17

Certificates of Title, Registration of Vehicles (92 IAC 1010; 41 Ill Reg 25) proposed 1/6/17

Remittance Agents (92 IAC 1019; 41 Ill Reg 36) proposed 1/6/17

Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 41 Ill Reg 47) proposed 1/6/17

Proposed Rulemakings

(cont. from page 3)

REAL ESTATE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Real Estate Appraiser Licensing (68 IAC 1455; 41 Ill Reg 12643) updating references to the Uniform Standards of Professional Appraisal Practice (USPAP), clarifying the requirement of a criminal background check for licensure or reinstatement, aligning the Part with federal regulations, establishing new deadlines for continuing education completion

(6/30 generally, 9/30 for late completions), and making other technical changes. Real estate appraisers are affected by this rulemaking.

Questions/requests for copies/ comments through 11/27/17: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/ 557-4451.

INSURANCE

The DEPARTMENT OF INSURANCE proposed a new Part titled Domestic Insurers Service of Process Requirements (50 IAC 206; 41 Ill Reg 12761)

establishing procedures for domestic insurance companies to designate any registered agent with an Illinois address, or any officer or director at the company's home office, to accept service of legal documents on behalf of the company.

Questions/requests for copies/ comments through 11/27/17: Cliff Garrett, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/ 814-2435, fax 312/814-2826; or Susan Anders, DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767-0001, 217/558-0957.