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Joint Committee on Administrative Rules
Illinois General Assembly

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VOL. 41

October 20, 2017

Issue 42

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

■ FATALITY REVIEWS

The DEPARTMENT ON AGING proposed amendments to Adult Protection and Advocacy Services (89 IAC 270; 41 Ill Reg 12932) implementing Public Acts 98-49 and 98-1039. The rulemaking establishes a statewide Fatality Review Team Advisory Council to oversee DonA's Regional Interagency Fatality Review Teams, which review deaths of persons age 60 or older, and disabled persons ages 18-59, living independently or at home to determine whether these deaths were linked to abuse or neglect and how such deaths can be prevented. The rulemaking establishes the composition of the advisory council and of the regional teams. Advisory council members are appointed for 3-year terms while regional team members are appointed for 2-year terms; both groups must

meet at least 4 times per year. The advisory council, in addition to coordinating and collecting information from regional teams, will review deaths that occur in a planning and service area not currently served by a regional review team. Regional teams must include representatives of local law enforcement (police, coroner/medical examiner, State's Attorney), local health

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departments, local hospitals or emergency medical providers, social service or health agencies serving persons with disabilities or mental illness, home services providers, and a physician or other health provider knowledgeable about abuse and neglect of at-risk adults. Regional teams must review any deaths of at-risk adults that are attributable

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New Rules

■ HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to Licensing (11 IAC 502; 41 Ill Reg 5793), effective 10/1/17, that make occupational license application requirements consistent for all persons required to have an occupational license (e.g., owners, trainers, jockeys) and require non-licensed racetrack service personnel to register with organization licensee security before entering or leaving a restricted area of the facility.

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

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

(cont. from page 1)

to blunt force trauma; of undetermined cause or suspicious; referred to the team by a physician, other health provider, coroner/medical examiner, or State's Attorney; or that are the subjects of open or closed cases handled by law enforcement or another agency charged with protecting at-risk adults. Other provisions establish meeting procedures and confidentiality policies for the advisory council and review teams. Local governments and agencies serving disabled or older adults may be affected by this rulemaking.

Questions/requests for copies/ comments through 12/4/17: Rhonda Armstead, DonA, One Natural Resources Way, #100, Springfield IL 62702-1271, 217/785-2152, Rhonda.Armstead@illinois.gov

■ SMALL BUSINESSES

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to Illinois Small Business Development Program (14 IAC 570; 41 Ill Reg 12956) implementing recent changes to the Small Business Development Act (PA 100-377). The amendments add veteran owned businesses (along with minority, female and disabled-owned businesses) to those eligible for certain business participation loans and raise the general loan limits (covering no

more than 25% of the total project amount) from \$750,000 to \$2 million. For minority, female, veteran and disabled-owned businesses, the maximum loan amount is the lesser of 50% of the project cost or \$400,000 (currently \$100,000) unless the DCEO Director grants a waiver. Small businesses may be affected by this rulemaking.

Questions/requests for copies/ comments through 12/4/17: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, fax 217/524-3701, jolene.clarke@illinois.gov

■ HAZARDOUS MATERIALS

The DEPARTMENT OF TRANSPORTATION proposed amendments to Hazardous Materials Transportation: General Information, Regulations and Definitions (92 IAC 171; 41 Ill Reg 12964), Hazardous Materials Table and Hazardous Materials Communications (92 IAC 172; 41 Ill Reg 12974), Shippers General Requirements for Shipments and Packagings (92 IAC 173; 41 Ill Reg 12979), Carriage by Public Highway (92 IAC 177; 41 Ill Reg 12986), Specifications for Tank Cars (92 IAC 179; 41 Ill Reg 13088) and Continuing Qualification and Maintenance of Packaging (92 IAC 180; 41 Ill Reg 13093). DOT also proposed repeal of the Part titled Specifications for Packagings (92 IAC 178; 41 Ill Reg 12990) and proposed a new Part with the same name, Title and Part number (92 IAC 178; 41 Ill Reg

13084). These rulemakings incorporate the 10/1/16 edition of applicable USDOT transportation regulations as well as a USDOT rulemaking published 3/30/17 (82 FR 15796). The new Part 178 replaces individual rule citations with incorporations of the applicable federal regulations. Small businesses that transport hazardous materials are affected by these rulemakings.

Questions/requests for copies/ comments on the 8 DOT rulemakings through 12/4/17: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Rm. 317, Springfield IL 62764.

JCAR Meeting Action

At its 10/17/17 meeting, the Joint Committee on Administrative Rules approved the following action:

RECOMMENDATION

With regard to the Department of Revenue rulemaking titled Taxpayer Rights (86 IAC 205; 41 Ill Reg 10328), JCAR recommends that the Department be more timely in its implementation of statute in rule. The Public Act that repealed the position of Taxpayer Ombudsman, PA 87-860, was effective on July 1, 1992.

Emergency Rulemaking

■ EDGE TAX CREDITS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted emergency amendments to Economic Development for a Growing Economy Program (EDGE) (14 IAC 527; 41 Ill Reg 13104), effective 10/3/17 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 41 Ill Reg 12953. The emergency and proposed rules implement changes to the EDGE tax credit program stemming from Public Act 100-511 (HB 162), which reduces the capital improvement requirement for applicant projects to none for businesses employing 100 or fewer persons and \$2.5 million (currently \$5 million) for businesses with more than 100

employees. The Act and these rulemakings also limit the amount of credit available to participating businesses to the lesser of 100% of the incremental income tax attributable to new employees, or the sum of 50% of the incremental income tax (75% if the project is in an underserved area) plus 10% of new employee training costs. Businesses that close or substantially reduce operations at one Illinois location and merely relocate the same size operation to another Illinois location are not eligible to apply for EDGE credits (a relocating business that is expanding is eligible to apply). Agreements between an applicant business and DCEO must provide that if the applicant permanently ceases operations in Illinois during the term of the agreement, the entire credit amount must be refunded

to DCEO and reallocated to the local workforce investment area in which that project was located. A business also cannot enter into more than one agreement for a single location or address at the same time. Other provisions define underserved area, local workforce investment area, training costs, and other key terms; add new reporting and transparency rules; and add reporting provisions for supplier diversity goals. Small businesses and municipalities will be affected by these rulemakings.

Questions/requests for copies/ comments on the proposed rulemaking through 12/4/17: Jolene Clarke, at the DCEO address on page 2.

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. 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

Services Delivered by the Department of Children and Family Services (89 IAC 302; 41 Ill Reg 2709) proposed 3/3/17

Appeal of Child Abuse and Neglect Investigation Findings (89 IAC 336; 40 Ill Reg 16013) proposed 12/9/16

IL BOARD OF HIGHER EDUCATION

Dual Credit Courses (23 IAC 1009; 41 Ill Reg 7259) proposed 6/30/17

Program Review (Private Colleges and Universities) (23 IAC 1030; 41 Ill Reg 7266) proposed 6/30/17

Approval of New Units of Instruction, Research and Public Service at Public Institutions (23 IAC 1050; 41 Ill Reg 7319) proposed 6/30/17