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Illinois General Assembly

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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

COLLEGE SAVINGS PLANS

The OFFICE OF THE TREASURER adopted amendments to College Savings Pool (23 IAC 2500; 41 Ill Reg 2763), effective 10/20/17, updating contribution limits allowed under the federal Internal Revenue Code as well as making technical revisions and updating the rule to embrace technological developments for the program since the Part was last amended in 2006. New terms are defined, including: college savings plan (a qualified tuition program established under the Internal Revenue Code); "Investment Policy Statement" (a statement of the Treasurer setting forth the policies, objectives and guidelines governing the investment of deposits in the program); and program disclosure statement (an offering document describing college

savings plans to participants concerning opening an account and participating in plans and information required by law). Processing fees now charged by financial institutions for processing an account application are being repealed. The present application fee of \$25 remains in force. A statutory penalty fee of 10% of earnings for non-educational expenses is

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being removed. Account balance limit procedures are being revised: first, the permissible contribution limit is being changed from a fixed amount (\$235,000) to an amount posted on the Treasurer's website or in another form that provides notice to account owners, based on a survey of the costs of education from two public and private

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Proposed Rulemakings

SCHOOL FINANCES

The STATE BOARD OF EDUCATION proposed amendments to Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 IAC 100; 41 Ill Reg 13326), reflecting changes in the State's evidence-based funding formula created by PA 100-465 by updating account numbers and School Code citations, changing references to the federal No Child Left Behind law to the federal Every Student Succeeds Act (ESSA), and removing obsolete account numbers for defunct programs.

STUDENT RECORDS

SBE also proposed amendments to Student Records (23 IAC 375; 41 Ill Reg 13349), implementing PA 100-222, which removes

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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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schools within Illinois, the Midwest and nationally, for a total higher education sampling pool of at least 12 higher education institutions selected by the Treasurer. Changes have been made since 1st Notice to clarify the investment policy for the Pool.

■ GRANT APPLICATIONS

The TREASURER also adopted amendments to Rules for Charitable Trust Stabilization Committee (74 IAC 650; 41 Ill Reg 10322) effective 10/20/17 updating the grant application process for the Charitable Trust Stabilization Program, which awards grants to community-based organizations and nonprofits. Applicants must now submit evidence of good standing (changed since 1st Notice from a Certificate of Good Standing) from the Office of the

Illinois Secretary of State. Other documentation showing that the applicant is currently registered with the Illinois Attorney General's Charitable Trust Bureau may be submitted in lieu of a Form CO-1 Charitable Organization Registration Statement. A separate financial statement is no longer required. Applications may be submitted online via the Treasurer's website, as well as by mail.

Questions/requests for copies of the 2 Office of the Treasurer rulemakings: Laura Pavlik, Office of the State Treasurer, 100 W. Randolph St., Suite 15-600, Chicago IL 60601, 312/814-3573.

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to Definitions and General Provisions (35 IAC 211; 41 Ill Reg 10397) and Air Quality Standards

(35 IAC 243; 41 Ill Reg 10422), both effective 10/23/17, implementing recent changes to USEPA air pollution regulations. The Part 211 amendment updates the list of chemical compounds that are excluded from the definition of volatile organic material (VOM) or volatile organic compound (VOC). Amendments to Part 243 implement updates to the National Ambient Air Quality Standards adopted by USEPA between 7/1/16 and 6/16/17.

Requests for copies of the 2 PCB rulemakings: Michael J. McCambridge, PCB, 100 W. Randolph, Suite 11-500, Chicago IL 60601, 312/814-6924, michael.mccambridge@illinois.gov. Please reference Docket R17-10. Copies of the Board's opinion and order are also available by calling 312/814-3620 or at www.ipcb.state.il.us.

Proposed Rulemakings

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class rank and State assessment scores from student transcripts. Scores on college entrance exams may be added to a student transcript at the request of the student, his or her parent, or the person enrolling the student. SBE is also removing gender designations from the list of required information in a student directory, since it is not cited in the federal Family Educational Rights and Privacy Act of 1974 (FERPA) as an item to be included in a directory.

(FERPA states that directory information includes, but is not limited to, the student's name, address, telephone listing, e-mail address, photograph, and date and place of birth.)

■ NONPUBLIC SCHOOLS

SBE proposed amendments to Voluntary Registration and Recognition of Non-Public Schools (23 IAC 425; 41 Ill Reg 13362) implementing PA 100-465, which allows scholarship granting organizations approved

by the Illinois Department of Revenue to provide scholarships to students to attend qualified nonpublic schools. The rulemaking lists the necessary costs and fees that may be used to determine the maximum allowable scholarship amount; these include tuition, charges for textbooks and other instructional materials, supplies, uniforms, and other fees or costs required in order to participate in curricular or extracurricular activities (e.g.,

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Proposed Rulemakings

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field trips). Items not included are one-time fees; refundable deposits; library fines or other charges for loss, misuse or destruction of school property; charges for the purchase of class rings, yearbooks or similar items; graduation fees; and fees for optional events or activities (e.g., admission to school dances or athletic events, trips sponsored by clubs outside of school hours or days). Nonpublic schools and scholarship granting organizations will be affected by this rulemaking.

Questions/requests for copies/ comments on the 3 SBE rulemakings through 12/18/17: Lindsay Bentivegna, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

■ ATM TERMINALS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Electronic Fund Transfers (38 IAC 315; 41 Ill Reg 13284) allowing required disclosures on ATM terminals (e.g., transaction fees) to be displayed either by physical signage or electronically on screen. Disclosure requirements are also extended to ATMs not operated by financial institutions. The current requirement that all ATMs be registered with DFPR is eliminated; instead, all ATMs will be required to provide the

HEALTH FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD will hold public hearings on 3 proposed rulemakings **Thursday, Nov. 9, at 10 a.m.** at the James R. Thompson Center, Room 2-025, 100 W. Randolph, Chicago, and at the Department of Natural Resources building, Room 1, One Natural Resources Way (State Fairgrounds), Springfield. Both hearings will occur simultaneously by videoconference. The hearings concern proposed amendments to Narrative and Planning Policies (77 IAC 1100; 41 Ill Reg 5900); a new Part titled Processing, Classification Policies and Review Criteria (77 IAC 1110; 41 Ill Reg 6140), which will replace the current Part; and amendments to Long-Term Care (77 IAC 1125; 41 Ill Reg 6304). These rulemakings change the current HFSRB review criterion of

customer with contact information for the ATM operator and for the DFPR Division of Banking to report a malfunction or other issues. Businesses and financial institutions that own or operate ATMs are affected by this rulemaking.

Questions/requests for copies/ comments through 12/18/17: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

HFSRB Public Hearings

“normal travel time” to a health facility (currently 30 to 45 minutes) to a distance radius (10 miles in Chicago, 17 miles in other metropolitan areas, and 21 miles elsewhere in Illinois). These rulemakings also update or clarify various definitions and review standards; streamline certain permit application requirements; and remove provisions that are obsolete or redundant. Commenters who wish to testify must provide written copies of their testimony at the hearing.

Questions/requests for copies regarding these rulemakings: Jeannie Mitchell, HFSRB, 69 W. Washington Street, Suite 3501, Chicago IL, 60602, 312/814-6226, e-mail: Jeannie.Mitchell@illinois.gov. For more information on the public hearings visit www.hfsrb.illinois.gov.

■ HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Crossbow and Standing Vehicle Hunting Authorizations (17 IAC 760; 41 Ill Reg 13291) implementing Public Act 100-489, which eliminates required permits and other restrictions on crossbow hunting. All references to crossbow hunting permits are removed

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from the Part, which now addresses only standing vehicle authorizations (allowing disabled persons to hunt from standing vehicles) and crossbow equipment requirements.

Questions/requests for copies/ comments through 12/18/17: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-6379.

AIR POLLUTION

The POLLUTION CONTROL BOARD proposed an amendment to Control of Emissions from Large Combustion Sources (35 IAC 225; 41 Ill Reg 13299) that modifies emission standards for certain coal-fired electric generating units owned by

Dynegy in central and southern Illinois. The affected units are classified into groups that will be monitored for their compliance with the Multi-Pollutant Standard (MPS) for nitrogen oxides and sulfur dioxide as a whole, rather than individually.

Questions/requests for copies/ comments through 12/18/17: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference Docket R18-20. Comments may also be filed electronically through the Clerk's Office On-Line at www.ipcb.state.il.us or by contacting Mark Powell, hearing officer, at 312/814-6887 or mark.powell@illinois.gov. Copies of the Board's opinion and order can be requested from the Clerk at 312/814-3620.

DOT RULE WITHDRAWALS

The DEPARTMENT OF TRANSPORTATION has withdrawn a proposed new Part titled Construction Standards for School Buses (92 IAC 440; 41 Ill Reg 10800) and has also withdrawn proposed repeals of the Parts titled Minimum Safety Standards for Construction of Type I School Buses (92 IAC 440; 41 Ill Reg 10751) and Minimum Safety Standards for Construction of Type II School Buses (92 IAC 442; 41 Ill Reg 10838). These rulemakings were published in the 8/25/17 *Illinois Register*. DOT has withdrawn these rulemakings in order to make further substantive changes and issue new rulemakings that will allow the public opportunity to comment on them.

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.

IL GAMING BOARD

Riverboat Gambling (86 IAC 3000; 41 Ill Reg 7728) proposed 7/7/17

Video Gaming (General) (11 IAC 1800; 41 Ill Reg 7409) proposed 6/30/17

IL STATE TOLL HIGHWAY AUTHORITY

State Toll Highway Rules (92 IAC 2520; 41 Ill Reg 11225) proposed 9/8/17