

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

ELECTRONIC PAYMENTS

The OFFICE OF THE TREASURER adopted a new Part titled E-Pay Program (74 IAC 735; 41 Ill Reg 11877), effective 12/15/17, implementing Public Act 99-856, which authorizes the State Treasurer to establish an electronic payment program allowing governmental agencies to accept payments 24 hours a day, 7 days a week via credit card and other electronic payment options. The new Part addresses the functions and responsibilities of the Treasurer's Office and of vendors that process electronic payments. It also authorizes participants to collect processing fees to be established during the vendor's procurement process. Units of local government will be affected by this rulemaking.

Questions/requests for copies:
Sandi Raphael, Office of the Treasurer, 100 W. Randolph, Suite

15-600, Chicago IL 60601, 312/814-2985.

■ FOREST MANAGEMENT

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Forest Management Plan (17 IAC 1537; 41 Ill Reg 11538) effective 12/18/17 clarifying which elements of

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Peremptory Rule, Page 3

DNR forest management programs are mandatory (prescriptions) and which are voluntary proposals based on best practices (recommendations). Timber growers participating in these programs are affected by this rulemaking.

Proposed Rulemakings

SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 41 Ill Reg 15542), Educator Licensure (23 IAC 25; 41 Ill Reg 15582), Programs for the Preparation of Superintendents in Illinois (23 IAC 33; 41 Ill Reg 15697) and Driver Education (23 IAC 252; 41 Ill Reg 15702), all implementing provisions of Public Act 100-465 (Invest in Kids Act/Evidence-Based Funding Bill) and other Public Acts that affect the School Code.

WAIVERS & PE CLASSES

The Part 1 amendments clarify the difference between waivers (petitions by a school district or other eligible entity to be fully

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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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■ DEER HUNTING

DNR also adopted an amendment to White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 41 Ill Reg 11707) effective 12/18/17 adding Johnson-Sauk Trail State Park and Spoon River State Forest to the list of sites hosting special deer hunts for disabled hunters.

Questions/requests for copies of the 2 DNR rulemakings: Part 1537, Javonna Ackerman; Part 650, John Heidinger; DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ PAWN BROKERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking, adopted amendments to Licensing and Regulation of Pawnbrokers (38 IAC 360; 41 Ill Reg 7385) effective 12/18/17. All pawnbroker licenses issued after 6/30/17 shall expire on 12/31/18 and will subsequently expire annually on 12/31 (formerly, on 6/30 every odd-numbered year). Nonrefundable license application fees are now \$1,000 annually instead of \$2,000 every 2 years. As part of a regulatory initiative, DFPR is removing its pawnbroker licensure requirements and license renewals from rule and directing interested parties to contact the Department or visit its website. Some information presently required of license applicants

Emergency Rule

■ COMMERCIAL DRIVERS

The DEPARTMENT OF TRANSPORTATION adopted an emergency amendment to Hours-of-Service of Drivers (92 IAC 395; 41 Ill Reg 15830) effective 12/19/17, for a maximum of 150 days, implementing a federal regulation (49 CFR 395) that requires commercial drivers to use electronic logging devices,

has been maintained (e.g., instead of a criminal history, applicants are required to furnish fingerprints to a vendor approved by the Nationwide Mortgage Licensing System and Registry (NMLSR) as well as personal history and experience in a form prescribed by the DFPR Secretary). At the discretion of the Secretary of DFPR, all fees, forms and information prescribed by the Secretary shall be paid with NMLSR at its website. All licensing requirements for pawnshop managers are being repealed. The license renewal period shall be between 11/1 and 12/31 of each year. A requirement that licensees must conspicuously display their pawnbroker's license is being repealed. Since 1st Notice, certain provisions regarding contact information for DFPR and the form and procedure for applying for and renewing licenses have been made more specific. Pawnshops and pawnbrokers are affected by this rulemaking.

instead of paper log books, to record their hours of service. The emergency rule, which took effect the same day as the federal rule, enables DOT and the State Police to enforce the new procedure for recording hours of service.

Questions/requests for copies: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Room 317, Springfield IL 62764.

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

COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD adopted amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 41 Ill Reg 7029) effective 12/18/17 implementing Public Act 99-655. The rulemaking repeals provisions for programs that are inactive and unfunded, eliminates certain data collections not vital to ICCB's goals, and updates the list of reports and surveys that community colleges are required to report to ICCB annually. Since 1st Notice, ICCB has added language explaining the classification of instructional programs and clarifying how the

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Proposed Rulemakings

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excused from implementing a mandate imposed by the statutory School Code or by SBE rules) and modifications (petitions to implement only part of a mandate). Waivers or modifications may be granted by SBE when necessary to stimulate innovation, improve student performance, or implement the intent of the mandate in a more effective, efficient or economical manner. (Existing rule allows waivers from the School Code to be granted only for the first two reasons and only with approval of the General Assembly.) Waiver applications must be submitted by August 15 for consideration on SBE's fall waiver report and by January 15 for consideration on the spring report. No waivers or modifications can be granted from statutes or rules implementing the federal Every Student Succeeds Act (ESSA). The rulemaking also reduces the required frequency of physical education classes from daily to 3 times per 5-day week. PE classes that would have been held on a student nonattendance day (e.g., teacher in-service) need not be rescheduled. School boards may, on a case by case basis, excuse from attending PE classes students in grades 7 through 12 who participate in interscholastic or extracurricular sports programs. Limits on the number of waivers from School Code PE requirements that an eligible entity may request are removed. Other provisions clarify that individuals holding a valid career and technical educator

part-time license, or a provisional endorsement on an educator license with stipulations, may substitute teach career and technical education classes even if they do not hold a bachelor's degree, and remove the penalty of reduced general state aid for noncompliance with the health examination and immunization requirements of the School Code.

■ EDUCATOR LICENSURE

Amendments to Part 25 implement 4 Public Acts affecting endorsements and license renewals. This rulemaking allows school support personnel who hold valid and comparable out of state certificates or licenses that allow them to work in public schools to work in Illinois public schools. Short-term emergency approvals in special education may be sought until 7/1/20 (the current end date is 9/1/18) and no longer require the applicant's plan to be approved by a higher education entity. Substitute teachers may renew licenses upon application and payment of a renewal fee, without having to pass the basic skills test again. Endorsements for teaching specific subjects will require at least 32 semester hours of college/university credit in that subject (currently, 32 semester hours or a major in that subject). Provisional endorsements will no longer require completion of the Teacher Performance Assessment, as long as the candidate has attempted the TPA and received a minimum score, completed an approved

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 41 Ill Reg 15837) effective 12/12/17, implementing a memorandum of understanding with AFSCME. The peremptory rule assigns educator positions with a 9-months-per-year employment term at the Department of Juvenile Justice to an AFSCME bargaining unit and pay rate.

Questions/requests for copies: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, CMS.PayPlan@Illinois.gov

educator preparation program, passed the basic skills and applicable content area tests, and holds at least a bachelor's degree. New endorsements subsequently added to a provisional license or a license with stipulations will expire on the same date as the license. Other provisions clarify requirements for special education endorsements; add requirements for endorsements in driver education, school marriage and family therapy, and internships in school marriage and family therapy; update requirements for license registration; update criteria for

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New Rules

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5-year schedule for program review is determined.

Questions/requests for copies: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, Matt.berry@illinois.gov

TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION adopted amendments to Money Pool Agreements (83 IAC 340; 41 Ill Reg 3070; ICC Docket 17-0098)

effective 12/15/17 eliminating the requirement (a holdover from the ratemaking process) that competitive telecom providers file quarterly reports on money pool transfers (mechanisms for borrowing or lending funds) among their corporate affiliates.

Questions/requests for copies: Brian W. Allen, ICC, 527 East Capitol Avenue, Springfield IL 62701; 217/558-2387.

PUBLIC INFORMATION

The OFFICE OF THE ATTORNEY GENERAL adopted

amendments to Rulemaking and Organization (2 IAC 575; 41 Ill Reg 15807) effective 12/12/17, updating its organizational structure, rulemaking procedure and public information, including contact information for the AG's offices in Chicago, Springfield and Carbondale.

Questions/requests for copies: Lynn Patton, Office of the Attorney General, 500 S. Second St., Springfield IL 62706, 217/524-1504.

Proposed Rulemakings

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tests of basic skills; and update various deadlines to align with statute.

SUPERINTENDENTS

The Part 33 rulemaking removes the requirement of 2 years administrative or supervisory experience before candidates may enter a superintendent preparation program. The 2-year requirement must still be met before receiving the superintendent endorsement.

■ DRIVER EDUCATION

Finally, amendments to Part 252 allow greater use of electronic instruction for driver education classes, although face-to-face classroom instruction is preferred and the entire course cannot be

offered electronically. Students who are absent for 10 days or more due to a medical condition that qualifies them for home or hospital instruction may be provided electronic instruction in place of classroom instruction. Absent students who are not home/hospital eligible but have not been identified as chronically truant may also be provided electronic instruction on a case-by-case basis for limited periods. Districts may also contract with licensed Secretary of State commercial driver training schools provided they submit the contract reporting form to SBE. The rulemaking also removes the requirement that districts receive a waiver from SBE rules in order to contract with a commercial driving school.

Questions/requests for copies/ comments on the 4 SBE

rulemakings through 2/13/18: Lindsay M. Bentivegna, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment to Merit and Fitness (80 IAC 302; 41 Ill Reg 15434) extending the absolute hiring preference for veterans to include all persons who served at least 4 years in the Illinois National Guard or a reserve component of the U.S. armed forces, whether or not they were ever called to active duty. CMS also proposed an amendment to Extensions of Jurisdiction (80 IAC 305; 41 Ill Reg 15444) implementing Public

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Proposed Rulemakings

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Act 99-6 and a memorandum of understanding with AFSCME that extends Personnel Code provisions concerning position classification and pay (Jurisdiction A), qualifications (Jurisdiction B), and conditions of employment (Jurisdiction C) to the positions of Accountant, Executive II, and Public Service Administrator Option 1 (formerly, financial and budget assistant, 9-1-1 Analyst III, and Manager, 9-1-1) at the Illinois Commerce Commission, effective 1/1/16.

Questions/requests for copies/comments through 2/13/18: Administrative Rules Coordinator, CMS, 720 Stratton Bldg., 401 S. Spring St., Springfield IL 62706, 217/524-7518.

■ OPTOMETRISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Optometric Practice Act of 1987 (68 IAC 1302; 41 Ill Reg 15448) implementing recommendations of the State's Collaborative Optometric/Ophthalmological Task Force regarding minimum education requirements for advanced optometric procedures (e.g., subcutaneous injections, removal of skin tags, removal of benign lesions, biopsies). An optometric training and testing program for advanced procedures must be conducted at an approved school or college

of optometry, include at least 32 hours of training with at least 16 clinical hours in advanced optometric procedures, be developed in consultation with a board-certified ophthalmologist, and cover specific medical and legal topics. Also, patient care encounters must be supervised by an ophthalmologist or an optometrist trained in advanced optometric procedures; students must pass written and clinical proficiency examinations; and students must demonstrate clinical proficiency by performing certain procedures on a living human eye. A list of all students or optometrists who have successfully completed the program must be submitted to DFPR annually or upon the agency's request. Optometrists who perform advanced procedures must be able to provide documentation of their training to DFPR upon request.

They also must complete an additional 6 hours of continuing education (in addition to the 30 CE hours required of all optometrists) every 2 years prior to license renewal. Optometrists, their employers and schools of optometry are affected by this rulemaking.

Questions/requests for copies/comments through 2/13/18: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to

Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 41 Ill Reg 15533) providing that when an individual whose driving privileges have been revoked due to a moving violation that resulted in another person's death receives a disposition of court supervision, the revocation will remain on the individual's driving record, instead of being rescinded. The rulemaking also adds violations of local ordinances governing the movement of vehicles to the list of traffic offenses for which a license may be revoked if the violation resulted in death or great bodily harm.

Questions/requests for copies/comments through 2/13/18: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723.

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to Insurance Data Reporting Requirements (50 IAC 4203; 41 Ill Reg 15485) updating data collection procedures for reports that are now submitted to DOI electronically instead of by mail. The definitions of certain data elements have also been revised to promote consistency among different insurers. DOI also proposed repeal of the Parts titled Life and Accident and Health Policy Forms; Dividends (50 IAC 914; 41 Ill Reg 15472),

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Proposed Rulemakings

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Family Group Life Insurance Policy Forms (50 IAC 1403; 41 Ill Reg 15476), and Producer Felony Review (50 IAC 2403; 41 Ill Reg 15480). The Part 914 and Part 1403 rulemakings repeal rules for obsolete types of policies and dividends. The Part 2403 rulemaking repeals rules for determining that a person with a felony conviction can be granted an insurance producer license; these rules have been

superseded by Public Act 100-286, effective 1/1/18.

Questions/requests for copies/comments on the 4 DOI rulemakings through 2/13/18: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-0957.

■ IGB RULE WITHDRAWAL

The ILLINOIS GAMING BOARD, in response to a JCAR Objection, has withdrawn proposed

amendments to Riverboat Gambling (86 IAC 3000; 41 Ill Reg 7728) that were originally published in the 7/7/17 *Illinois Register*. The rulemaking concerned the definition and handling of critical program storage media (firmware devices that control or influence game play, payouts, accounting or security). IGB withdrew this rule in order to work with involved parties on a new rulemaking that will provide opportunity for another public comment period.

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 January 16, 2018 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Electronic Fund Transfers (38 IAC 315; 41 Ill Reg 13284) proposed 11/3/17

DEPT OF INSURANCE

Long-Term Care Insurance (50 IAC 2012; 41 Ill Reg 6835) proposed 6/16/17

DEPT OF NATURAL RESOURCES

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 41 Ill Reg 13203) proposed 10/27/17

Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 41 Ill Reg 13207) proposed 10/27/17

Crossbow and Standing Vehicle Hunting Authorizations (17 IAC 760; 41 Ill Reg 13291) proposed 11/3/17

DEPT OF PUBLIC HEALTH

HIV/AIDS Confidentiality and Testing Code (77 IAC 697; 41 Ill Reg 3795) proposed 3/31/17