

Elaine Spencer, Editor
jcar@ilga.gov

Joint Committee on Administrative Rules
Illinois General Assembly

700 Stratton Bldg. Springfield IL 62706
217/785-2254 ilga.gov/commission/jcar

VOL. 42

June 29, 2018

Issue 26

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 Rule

■ PUBLIC MEETINGS

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY adopted emergency amendments to Public Information, Rulemaking and Organization (2 IAC 1975; 42 Ill Reg 12336) effective 6/14/18 for a maximum of 150 days. The amendments revise IHDA's board meeting procedures to permit removal or exclusion of persons who disrupt meetings. (IHDA states that these rules were adopted in response to an incident at its 5/18/18 meeting.) Attendees and public commenters must sign in and present photo identification before being admitted to a meeting. Items that may not be brought into or displayed at a meeting include banners and other signage; blow horns, megaphones or other noise-making devices; firearms or other weapons intended to cause

bodily harm or physical damage; and any items intended to obstruct other attendees' view or hearing of the proceedings or to hinder the board members' ability to conduct business. Attendees may record meetings as long as the recording does not disrupt the meeting, endanger other individuals or obstruct the free passage or view of other attendees. Additional meeting guidelines may be imposed in order to preserve order, decorum and efficiency. IHDA will post notice of regular and special/emergency meetings on its website, and persons wishing to address the board at a meeting must submit their request by e-mail (or another customary method of delivery) at least 24 hours prior to the meeting. The request must include the person's name; a summary of their comments, and, if

(cont. page 2)

Proposed Rulemakings

■ WASTE DISPOSAL

The POLLUTION CONTROL BOARD proposed amendments to Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 IAC 724; 42 Ill Reg 11594) and Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 725; 42 Ill Reg 12003). These rulemakings are part of a consolidated PCB docket correcting and updating hazardous waste handling, storage, transport and disposal rules to align with federal EPA regulations approved during 2016 and 2017. Other rulemakings implementing this docket appeared in the 6/15 and 6/22 issues of the *Illinois Register* and will also appear in the 7/6 issue. Small businesses and

(cont. page 2)

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

HIGHER EDUCATION DATA

The BOARD OF HIGHER EDUCATION adopted a new Part titled Data Repository, Shared Data Agreement and Fees (23 IAC 910; 42 Ill Reg 1), effective 6/12/18, implementing Public Act 100-417, which authorized the Board to collect fees sufficient to cover the costs of processing and handling student data requests under approved data sharing agreements. The rulemaking includes provisions protecting personally identifiable student information, regulating the use

and sharing of data, stipulating the conditions of shared data agreements, and setting data request fees of \$2,000 to \$15,000 based on the number of records processed. A 30% surcharge may be added for complex data requests (e.g., longitudinal analyses).

Questions/requests for copies: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701-1377, 217/557-7358, fax 217/782-8548, e-mail: helland@ibhe.org

Emergency Rule

(cont. from page 1)

applicable, the name of the organization or group they represent and the organization's address. Each commenter may speak for up to 3 minutes after being recognized by the Chairman. Public comment will be limited to 30 minutes at the beginning of each meeting. Actions that are considered disruptions include, but are not limited to: speaking without being recognized by the Chairman; continuing to speak after one's public comment time has expired; speech that is not germane to a specific agenda item or items; use of prohibited items; and any other behavior that members determine to be disruptive to their ability to conduct business. Persons who violate these rules may be ruled out of order by the Chairman and removed if they do not comply with the Chairman's directions.

Persons who are ruled out of order at two or more meetings may be excluded from participation in future meetings and a written notice of exclusion sent to their last known address. Excluded persons may continue to submit comment in writing to the Director for distribution to board members. The scope and length of an exclusion will be based on the seriousness and number of disruptions and any other reasons IHDA deems relevant. Those affected by this rulemaking include representatives of businesses or non-profit groups that wish to attend or comment at an IHDA meeting.

Questions/requests for copies: Karri E. Kartes, IHDA, 111 E. Wacker Dr., Suite 1000, Chicago IL 60601, 312/836-5313.

Proposed Rulemakings

(cont. from page 1)

small municipalities that collect, transport, store or dispose of hazardous waste may be affected by these rulemakings.

Requests for copies/comments on the 2 PCB rulemakings through 8/13/18: Don A. Brown, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Please reference consolidated docket R17-14/R17-15/R18-11/R18-31. Questions: Michael J. McCambridge, same address, 312/814-6924, michael.mccambridge@illinois.gov.

Copies of the Board's opinion and order may be downloaded from the Board's website at <http://www.ipcb.state.il.us>.

BHE REPEALER

The BOARD OF HIGHER EDUCATION proposed repeal of the Part titled Engineering Grant Program (23 IAC 1025; 42 Ill Reg 11587) because the statute authorizing the grant program was repealed by Public Act 100-167. (The program was instituted in 1984 to provide matching grants to Illinois engineering schools for the purpose of purchasing lab equipment and computer software.)

Questions/requests for copies/comments through 8/13/18: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701, 217/557-7358, fax 217/782-8548, e-mail: helland@ibhe.org

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 July 17, 2018 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 HUMAN SERVICES

Office of the Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 IAC 50; 42 Ill Reg 5667) proposed 3/30/18

Program Definitions (89 IAC 521; 42 Ill Reg 5687) proposed 3/30/18

Services (89 IAC 590; 42 Ill Reg 5705) proposed 3/30/18

Closure of a Rehabilitation Case (89 IAC 595; 42 Ill Reg 5718) proposed 3/30/18

Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind and Visually Impaired (89 IAC 730; 42 Ill Reg 6551) proposed 4/13/18

DEPT OF TRANSPORTATION

Minimum Safety Standards for Construction of School Buses Used in Special Education Transportation (92 IAC 444; 42 Ill Reg 7753) proposed 5/4/18

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Peter Breen

Senator Karen McConnaughay

Representative Barbara Flynn Currie

Senator Don Harmon

Representative Tom Demmer

Senator Tony Muñoz

Representative Greg Harris

Senator Ira Silverstein

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**