

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

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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

■ CORPORATE RECORDS

The SECRETARY OF STATE adopted an amendment to General Not For Profit Corporations (14 IAC 160; 42 Ill Reg 4552) effective 9/5/18 that updates rules for purchasing copies of certain corporate records. References to twice-annual sales of microfiche lists are removed. The master list of condominium associations will be made available once a year in CD-ROM form for a fee of \$150 per disc (instead of \$150 per microfiche set). The rulemaking also removes a requirement that the computer-accessible master list of not for profit corporations include the microfilm roll and image number for each file.

Questions/requests for copies: Terrence McConville, SOS, 100 W. Randolph St., #5-400, Chicago IL 60601, 312/814-2201.

■ BAID PROVIDERS

SOS also adopted amendments to Procedures and Standards (92 IAC 1001; 42 Ill Reg 5785) effective 9/5/18 requiring providers of Breath Alcohol Ignition Interlock Devices (BAIID) to indicate on their solicitations to prospective customers (persons who hold restricted driving permits due to alcohol-related offenses) that the document is from a private entity that is not owned, operated or endorsed by SOS and is not the sole BAIID provider authorized by SOS. BAIID providers are also prohibited from attaching their materials to official SOS correspondence or using the same print font that SOS uses in its correspondence to permittees.

Questions/requests for copies: Brenda Glahn, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, bglahn@ilsos.net

Proposed Rulemakings

■ REAL ESTATE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Real Estate License Act of 2000 (68 IAC 1450; 42 Ill Reg 16804) implementing Public Act 100-188. The rulemaking consolidates the licenses for providers of pre-license education and continuing education into a single education provider license, effective 7/1/19; update various pre-license and continuing education requirements; permit pre-license and continuing education to be delivered via webinars and other alternate means, in addition to in-person classes; and establish a process for reviewing applications from persons with prior criminal convictions. Current pre-license and continuing

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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.

Proposed Rulemakings

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education licenses will continue in effect through 6/30/19. Real estate brokers and providers of pre-license and continuing education for real estate agents and brokers are affected.

Questions/requests for copies/comments through 11/5/18: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

UTILITIES

The ILLINOIS COMMERCE COMMISSION proposed an amendment to Reports of Accidents by Fixed Public Utilities Other Than Pipelines Transporting Liquids (83 IAC 220; 42 Ill Reg 16785) increasing the monetary damage threshold for required reporting of accidents not involving death or serious injury from \$1,000 to \$20,000. ICC also proposed amendments to Qualifying Infrastructure Plant Surcharge (83 IAC 656; 42 Ill Reg

16789) and Telecommunications Access for Persons with Disabilities (83 IAC 755; 42 Ill Reg 16796) updating the incorporated edition of the Prospective Financial Information Guide published by the American Institute of Certified Public Accountants to the 2017 edition. The Part 656 rulemaking also corrects a technical error in the formula used to calculate qualifying infrastructure plant costs.

Questions/requests for copies/comments on the 3 ICC rulemakings through 11/5/18: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434. Please reference Docket 18-1447 for Part 220; Docket 18-1448 for Part 755; and Docket 18-1449 for Part 656.

■ NON-PROFITS

The OFFICE OF THE STATE TREASURER proposed an amendment to Rules for Charitable Trust Stabilization

Committee (74 IAC 550; 42 Ill Reg 16913) applying the criteria for identifying a depressed area in the Illinois Enterprise Zone Act to the determination of preferences for grants to non-profit entities with operating budgets of less than \$1 million. Applicants will be given “special attention” if they are located in a census tract that meets at least one of the following criteria: an unemployment rate 20% or more above the State average, a poverty rate of at least 20%, at least 20% of households receiving SNAP benefits, or at least 50% of children qualifying for free or reduced-price school meals. Non-profit organizations will be affected by this rulemaking.

Questions/requests for copies/comments through 11/5/18: Jennifer Olaya, Office of the Treasurer, 100 W. Randolph St., Suite 15-600, Chicago IL 60601, 312/814-8976, fax 217/785-2777, jolaya@illinoistreasurer.gov

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 October 16, 2018 meeting.

CAPITAL DEVELOPMENT BOARD

Illinois Accessibility Code (Repealer) (71 IAC 400; 42 Ill Reg 2278) proposed 2/9/18

DEPT OF HUMAN SERVICES

Administration of Medication in Community Settings (59 IAC 116; 42 Ill Reg 13422) proposed 7/13/18

DEPT OF INSURANCE

Internal Security Standard and Fidelity Bonds (50 IAC 904; 42 Ill Reg 53) proposed 1/5/18

Uniform Accounting Instructions for Fire and Marine and Casualty and Surety Insurers (Repealer) (50 IAC 903; 42 Ill Reg 12387) proposed 7/6/18

Admitted Assets (Repealer) (50 IAC 945; 42 Ill Reg 12454) proposed 7/6/18

License Documents Necessary to Engage in Activities and Examinations (50 IAC 752; 42 Ill Reg 12382) proposed 7/20/18

Illinois Insurance Exchange Annual Statement (Repealer) (50 IAC 551; 42 Ill Reg 12376) proposed 7/20/18

IL RACING BOARD

Approval of Racing Officials (11 IAC 422; 42 Ill Reg 14109) proposed 7/20/18

Licensing (11 IAC 502; 42 Ill Reg 14115) proposed 7/20/18

PROPERTY TAX APPEAL BOARD

Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 42 Ill Reg 3862) proposed 3/2/18

DEPT OF TRANSPORTATION

Bicycle Reflex Reflector Requirements (92 IAC 426; 42 Ill Reg 13446) proposed 7/13/18

JCAR Meeting Action

At its 9/18/18 meeting, the Joint Committee on Administrative Rules approved the following actions:

RECOMMENDATION

With respect to the Governor's Office of Management and Budget rulemaking titled Grant Accountability and Transparency Act (44 IAC 7000; 42 Ill Reg 12265), JCAR recommends that GOMB be more timely in enacting statutorily required rules and take care to not implement its policies prior to adoption of the underlying rule. Section 25 of the Grant Accountability and Transparency Act [30 ILCS 708] required that rules for the second tier of GATA implementation be adopted by 7/1/17.

EXTENSIONS

JCAR and the respective agencies agreed to extend Second Notice periods for the following rulemakings an additional 45 days: Department of Financial and Professional Regulation, Pharmacy Practice Act (68 IAC 1330; 41 Ill Reg 15130) and Pollution Control Board, Emissions Reduction Market System (35 IAC 205; 42 Ill Reg 6572). These rulemakings will be on the 10/16 meeting agenda.

POSTPONEMENT

JCAR postponed action on the Department of Revenue rulemaking titled Invest in Kids Act (86 IAC 1000; 42 Ill Reg 7448), currently on extended Second Notice, until the 10/16 meeting.