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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

■ DRUG ENFORCEMENT

The DEPARTMENT OF STATE POLICE adopted amendments to Intergovernmental Drug Enforcement Act (20 IAC 1220; 42 Ill Reg 10375), effective 10/10/18, updating various aspects of the program, through which DSP oversees Metropolitan Enforcement Groups (MEGs). The amendments update statutory citations and definitions; replace a list of specific information to be retained regarding confidential sources with reference to applicable laws and DSP guidelines; require annual audits to begin on September 1 with final reports due by December 31; update provisions regarding costs, fund disbursements and procurements; and require records of each MEG unit to be retained for 5 years (formerly 3 years) or the length of time required by the Secretary of State's Local

Records Commission, whichever is longer. Local law enforcement units participating in MEGs are affected.

■ POLICE IMAGES

DSP also adopted amendments to Imaging Products (20 IAC 1298; 42 Ill Reg 12934), effective 10/10/18, updating its policies regarding copying and use of digital information collected by DSP during investigations. Imaging products covered by this Part include digital images, videos, measurements, animations, charts, and other digital media. All imaging products requested from DSP will be provided in a digital format and will no longer be provided in print photo or videotape format. Graphic images that depict dead, severely traumatized or nude human bodies or that could

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Proposed Rulemakings

COAL POWER PLANTS

The POLLUTION CONTROL BOARD proposed an amendment to Control of Emissions from Large Combustion Sources (35 IAC 225; 42 Ill Reg 19158) that modifies emission standards for certain coal-fired electric generating units (EGUs) owned by Vistra Energy (formerly Dynegy) in central and southern Illinois. Effective 1/1/19, the affected units (located at Baldwin, Coffeen, Duck Creek, Edwards, Havana, Hennepin, Joppa and Newton) will be classified into a group that will be monitored for their compliance with Multi-Pollutant Standards (MPS) for nitrogen oxides and sulfur dioxide as a whole, rather than individually. If one or more of the affected EGUs are sold to a different owner, they will become

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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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reasonably be considered invasive of personal privacy will be released to a requester only if the request includes a subpoena or notarized permission from the individual depicted in the image or (if the individual is deceased or unable to grant permission) his or her legal representative. Fees of \$20 to \$120, based on the digital size of the products provided, will be charged for each request. Those affected by this rulemaking include private

investigators, attorneys and local law enforcement bodies who request images collected by DSP.

Questions/requests for copies of the 2 DSP rulemakings: Matthew R. Rentschler, DSP, 801 S. Seventh St. Suite 1000-S, Springfield IL 62703, 217/782-7658.

■ INCOME TAX

The DEPARTMENT OF REVENUE adopted an amendment to Income Tax (86

IAC 100; 42 Ill Reg 9160) effective 10/12/18 providing a definition of "transportation company" for purposes of calculating the amount of income subject to Illinois income tax liability for taxpayers who provide transportation services. Small businesses such as trucking or other transportation companies may be affected.

Questions/requests for copies: Brian Stocker, DOR, 101 W. Jefferson St., Springfield IL 62796, 217/782-2844.

Proposed Rulemakings

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a separate MPS group. The rulemaking also implements combined emission limits for any new MPS group that may be formed from the affected units, or in case any units are shut down temporarily or permanently, and repeals obsolete standards applying to an Ameren MPS group. (PCB recently withdrew a similar rulemaking proposed in the 11/3/17 *Illinois Register*.)

Questions/requests for copies/ comments through 12/10/18: 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. Copies of the Board's opinion and order can be requested from the Clerk at 312/814-3620.

■ PET BOARDING FACILITIES

The DEPARTMENT OF AGRICULTURE proposed an amendment to the Part titled Animal Welfare Act (8 IAC 25; 42 Ill Reg 19115) providing that licensed kennel operators cannot group-house animals unless the owners of the animals provide prior consent (currently, unless the animals are owned by the same person and are compatible) and a record of this consent is maintained by the licensee for at least 12 months. Licensed operators of pet boarding facilities are affected by this rulemaking.

■ ANIMAL DISEASES

DOA proposed an amendment to Diseased Animals (8 IAC 85; 42 Ill Reg 19125) expanding the authority of DOA to quarantine animals in cases of infectious or contagious disease. In addition

to the specific diseases listed in the Part and exotic diseases not known to exist in the U.S., DOA may issue quarantines for "emerging" diseases considered to be a significant threat to one or more animal populations. Those affected by this rulemaking include owners of livestock, horses, poultry, and companion animals.

DOA also proposed amendments to the Part titled Equine Infectious Anemia Control (8 IAC 116; 42 Ill Reg 19132) aligning its procedures for testing horses for Equine Infectious Anemia (EIA) and quarantining horses exposed to EIA with those of the U.S. Department of Agriculture Vet Services. When a horse tests positive for EIA, any horse "directly or indirectly associated" with that horse

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Proposed Rulemakings

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(currently, any horse within 1½ miles) is considered exposed to EIA and must be placed under quarantine and tested within 3 months. Veterinarians approved by USDA (as well as DOA) may perform these tests at no cost to the owner. If the owner chooses to have a private veterinarian perform the test, the owner bears all costs associated with the test (currently, the State will waive the laboratory fee if samples from the private test are submitted to a DOA laboratory). After a horse that tests positive for EIA is removed under authority of DOA or euthanized, other exposed horses must be retested at least 60 days (currently 6 months) but no more than 6 months (currently 1 year) later and released from quarantine if they test negative. Shipping an infected horse to slaughter is no longer permitted. Horse owners and equine veterinarians are affected by this rulemaking.

■ POULTRY

DOA proposed amendments to the Part titled Meat and Poultry Inspection Act (8 IAC 125; 42 Ill Reg 19136) incorporating a recent federal regulation changing the definition of a “roaster” or “roasting chicken” to remove the minimum age of 8 weeks and increase its ready-to-cook weight from 5 to 5.5 pounds. DOA also proposed amendments to the Part titled Hatcheries, Poultry Flocks, and Produce Thereof (8 IAC 55; 42 Ill

Reg 19120) updating incorporations of federal poultry regulations and USDA inspection standards. Poultry producers and sellers are affected by these rulemakings.

Questions/requests for copies/ comments on the 5 DOA rulemakings through 12/10/18: Pamela Harmon, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

■ DENTAL HYGENISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed an amendment to the Part titled Illinois Dental Practice Act (68 IAC 1220; 42 Ill Reg 19144) establishing educational requirements for public health dental hygienists employed or contracted by State or local agencies or school-based programs. In addition to other requirements for licensure, public health dental hygienists must complete 42 hours of advanced courses. At least 29 hours must include didactic (in person) instruction covering emergency procedures for medically compromised patients, geriatric and pediatric dentistry, pharmacology, pathology, and medical recordkeeping procedures. The remaining 13 hours, which may be taken in person or online, must address special needs patients, teledentistry, cultural competency, communication with low oral health literacy

patients, nutrition, and professional ethics. Courses must be provided by a Statewide dental or dental hygiene association or by an institution accredited by the Commission on Dental Accreditation. Once these educational courses are completed, a public health dental hygienist may enter a written supervision agreement with a licensed dentist that will enable the hygienist to work independently in a public health setting. Dentists, dental hygienists, local health departments, schools and dental hygiene education providers are affected by this rulemaking.

Questions/requests for copies/ comments through 12/10/18: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ STATE DEBTS

The OFFICE OF THE COMPTROLLER proposed amendments to the Part titled Claim Eligible to be Offset (74 IAC 285; 42 Ill Reg 19151) implementing 3 Public Acts concerning procedures whereby the State offsets other funds to pay debts owed to the State by an individual, another State agency, or a municipality. In addition to debts already listed in the Part (e.g., unpaid child support, delinquent student loans), an offset may be applied to any amount that the

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Proposed Rulemakings

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Comptroller has been specifically authorized in statute to collect. A person or entity subject to an offset may waive their right to protest the offset within 60 days of receiving notice of the offset. Current rule limiting offsets

against an employee's wages to no more than 25% of disposable earnings is extended to State pension annuity payments. An obsolete reference to the State Garnishment Trust Fund is also removed. Those affected by this rulemaking may include small businesses and municipalities.

Questions/requests for copies/ comments through 12/10/18: Whitney Rosen, Office of the Comptroller, 325 W. Adams St. , Springfield IL 62704, 217/782-6000, e-mail: Whitney.Rosen@illinoiscocomptroller.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 Committee's November 13, 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 FINANCIAL AND PROFESSIONAL REGULATION

Real Estate Appraiser Licensing (68 IAC 1455; 42 Ill Reg 15525) proposed 8/17/18

Optometric Practice Act of 1987 (68 IAC 1320; 41 Ill Reg 15448) proposed 12/29/17

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 42 Ill Reg 8119) proposed 5/18/18

DEPT OF HUMAN SERVICES

Medicaid Community Mental Health Services Program (Repealer) (59 IAC 132; 42 Ill Reg 7322) proposed 4/20/18

Child Care (89 IAC 50; 42 Ill Reg 13430) proposed 7/13/18

DEPT OF REVENUE

Gas Revenue Tax Act (86 IAC 470; 42 Ill Reg 16168) proposed 8/24/18

HEALTH FACILITIES AND SERVICES REVIEW BOARD

Processing, Classification Policies and Review Criteria (77 IAC 1110; 42 Ill Reg 16119) proposed 8/24/18

IL COMMUNITY COLLEGE BOARD

High School Diploma for Adult Learners (23 IAC 1506; 42 Ill Reg 8375) proposed 5/25/18

Administration of the Illinois Public Community College Act (23 IAC 1501; 42 Ill Reg 7990) proposed 5/18/18

IL STUDENT ASSISTANCE COMMISSION

Grant Program for Dependents of Correctional Officers (23 IAC 2731; 42 Ill Reg 16191) proposed 8/24/18

Grant Program for Dependents of Police or Fire Officers (23 IAC 2732; 42 Ill Reg 16193) proposed 8/24/18