

*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

### FISHING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Sport Fishing Regulations for the Waters of Illinois (17 IAC 810; 42 Ill Reg 577), effective 4/20/18, updating fishing regulations for various Illinois bodies of water for the 2018 fishing season; setting June 15-18, 2018, as the annual Free Fishing Days; amending certain bowfishing regulations; and adding regulations for mussel fishing. Holders of sport fishing licenses may possess up to 50 relic mussel shells for personal collection. Mussels collected under a sport fishing license must be approved species (listed in 17 IAC 870.10) and cannot be sold, bartered, or transported between bodies of water. Bowfishing for bullfrogs and common snapping turtles is permitted wherever bowfishing is allowed, except for the 16

southernmost Illinois counties, where bowfishing for snapping turtles is not permitted. Since 1<sup>st</sup> Notice, DNR removed a provision that would have allowed sport fishing license holders to possess up to 50 live mussels for use as bait.

Questions/requests for copies: Javonna Ackerman, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-0126.

### PUBLIC INFORMATION

The ILLINOIS COMMUNITY COLLEGE BOARD adopted amendments to Public Information, Rulemaking and Organization (2 IAC 5175; 42 Ill Reg 2079), effective 4/23/18, authorizing ICCB board members to attend meetings by audio or video conference when

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## Proposed Rulemakings

### GRANDPARENT VISITATION

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Placement and Visitation Services (89 IAC 301; 42 Ill Reg 7710) implementing two Public Acts. PA 99-838 concerns visitation of DCFS wards by non-custodial grandparents and great-grandparents. Visitation privileges shall be granted to grandparents and great-grandparents only if in the child's best interest, taking into account factors listed in the Juvenile Court Act of 1987 (e.g., the child's safety, welfare, attachments and preferences) in addition to: the mental and physical health of the grandparent; quantity of visitation time desired and its potential impact on the child's other activities; evidence that

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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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physical presence is not possible due to illness, emergency or other circumstances; establishing procedures for members of the public to address the Board; providing that minutes of closed sessions will be reviewed twice a year to determine if all or part

of those minutes may be made public; and codifying procedures under which the Board reviews proposed changes to its Illinois Administrative Code rules prior to First Notice publication in the Illinois Register and after Second Notice consideration by the Joint Committee on Administrative

Rules. The rulemaking also outlines the organization of the ICCB and the composition of the Board.

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

## Proposed Rulemakings

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loss of the grandparent relationship will unduly harm the child; and whether visitation can be structured in a fashion that minimizes the child's exposure to family conflicts. Visitation privileges automatically terminate when the child leaves DCFS custody. DCFS may deny a grandparent's request for visitation based upon the listed factors, in addition to any other criteria the Department deems necessary. A denial must be documented in the child's case file and the grandparent informed of his/her right to a clinical review in accordance with DCFS rules and procedures. DCFS also must review its grandparent visitation rules beginning 2/11/16 and every 5 years thereafter. The rulemaking also implements PA 99-85, the Illinois Parentage Act of 2015, by reflecting its statutory definition of father (a man whose relationship with a child is established via unrebutted presumption, voluntary acknowledgment, or adjudication of the child's parentage; adoption; or valid gestational surrogacy) and

allows relatives of a child's biological father to be considered for placement of related children when paternity of the child has been established. Finally, the rulemaking changes references to a "final placement decision" (DCFS determination, made within 90 days of initial placement of a child with a relative, to leave or remove the child based on a criminal background check of the relative and the best interests of the child) to "placement decision".

Questions/requests for copies/comments through 6/18/18: Jeff Osowski, DCFS, 406 E. Monroe, Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, fax 217/557-0692, e-mail: [CFPolicy@idcfs.state.il.us](mailto:CFPolicy@idcfs.state.il.us)

### ■ ALCOHOL SALES

The ILLINOIS LIQUOR CONTROL COMMISSION proposed an amendment to the Part titled The Illinois Liquor Control Commission (11 IAC 100; 42 Ill Reg 7735) implementing and interpreting the Liquor Control Act's prohibition against

"of value" transactions among retailers, manufacturers and distributors. Generally, it is unlawful under the Act for any industry member (licensed manufacturer, non-resident dealer, distributor, importing distributor, foreign importer, or any person or entity associated with them) to give or lend money or any "item of value" to a licensed retailer or any person or entity associated with a retailer. Retailers also cannot accept any money or item of value from an industry member. Transactions in which money, services, or other items (e.g., equipment, signs) are given, sold or lent by an industry member to a third party are defined in this rulemaking as indirect "of value" transactions; these include payments for advertising to a retailer association or a display company if the resulting benefits flow to an individual retailer. The rulemaking lists examples of transactions that violate the "of value" prohibition as well as transactions that are exempt from this prohibition. Transactions that

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## Proposed Rulemakings

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may, or may not, violate the prohibition depending on the circumstances include display space advertising; product displays and signage; quantity discounts; free warehousing; rebates and credits; free samples; industry member promotional events; and social media advertising. Persons affected by this rulemaking are encouraged to read the rulemaking in its entirety. Bars and taverns, liquor stores, other establishments that sell alcoholic beverages, liquor distributors, manufacturers, and importers, and municipalities that grant liquor licenses will be affected.

Questions/requests for copies/comments through 6/18/18: Chimaobi Enyia, ILCC, 100 W. Randolph St., Suite 7-801, Chicago IL 60601, 312/814-1801.

### ■ SCHOOL BUSES

The ILLINOIS DEPARTMENT OF TRANSPORTATION proposed amendments to Minimum Safety Standards for Construction of School Buses Used in Special Education Transportation (92 IAC 444; 42 Ill Reg 7753) that update and, where possible, replace outdated text with incorporations by reference to the current federal motor vehicle safety requirements for school buses and platform lifts. These

amendments also clarify that if a child's IEP dictates transportation measures that conflict with this Part or federal requirements, the IEP should take precedence over any existing regulation as long as other passengers' safety is not threatened. The rulemaking also clarifies the requirements for special service doors. School districts, special education organizations, and bus manufacturers are affected by this rulemaking.

Questions/requests for copies/comments through 6/18/18: Greg Stucka, IDOT, 2300 S. Dirksen Pkwy, Rm. 317, Springfield IL 62764.

## Second Notices

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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 May 15, 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.

### IL ENVIRONMENTAL PROTECTION AGENCY

Procedures for Reporting Releases of Livestock Waste (35 IAC 580; 41 Ill Reg 13924) proposed 11/17/17

### STATE EMPLOYEES RETIREMENT SYSTEM

The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 42 Ill Reg 3903) proposed 3/2/18

### STATE UNIVERSITIES RETIREMENT SYSTEM

Universities Retirement (80 IAC 1600; 42 Ill Reg 3715) proposed 2/23/18

### OFFICE OF THE STATE TREASURER

Achieving a Better Life Experience (ABLE) Account Program (74 IAC 722; 42 Ill Reg 4488) proposed 3/9/18

Rules of Practice in Administrative Hearings (74 IAC 730; 42 Ill Reg 3840) proposed 3/2/18