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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 3

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 Rules

■ 9-1-1 SERVICE

The DEPARTMENT OF STATE POLICE adopted 6 new Parts by emergency rule, all effective 12/31/15, titled Consolidation of 9-1-1 Emergency Systems (83 IAC 1324; 40 Ill Reg 1099), Standards of Service Applicable to 9-1-1 Emergency Systems (83 IAC 1325; 40 Ill Reg 1118), Requirements for Private Business Switch Service to Comply with the Emergency Telephone System Act (83 IAC 1326; 40 Ill Reg 1153), 9-1-1 Emergency Systems Consolidation Grants (83 IAC 1327; 40 Ill Reg 1169), Standards of Service Applicable to Wireless 9-1-1 Emergency Systems (83 IAC 1328; 40 Ill Reg 1181), and Administration of the Statewide 9-1-1 Fund (83 IAC 1329; 40 Ill Reg 1193). These rules implement Public Act 99-6, which transfers authority to establish technical and operational rules

for 9-1-1 systems under the Emergency Telephone System Act from the Illinois Commerce Commission to DSP, effective 1/1/16. New Part 1324 establishes procedures for submission and review of consolidation plans and requests for waivers with respect to local 9-1-1 emergency systems. Part 1325 sets requirements for operating and managing a 9-1-1 system and the standards of service for a 9-1-1 system. Part 1326 addresses private business switch services and their connections to public 9-1-1 systems, including requirements to enable automatic number and location identification. Part 1327 establishes an application and evaluation process for State grants to defray the cost of consolidating 9-1-1 systems. Part 1328 sets service standards for wireless 9-1-1 systems, and Part

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New Rules

■ CHILD WELFARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to 12 Parts: Reports of Child Abuse and Neglect (89 IAC 300; 39 Ill Reg 1), Placement and Visitation Services (89 IAC 301; 39 Ill Reg 19), Services Delivered by the Department of Children and Family Services (89 IAC 302; 39 Ill Reg 47), Access to and Eligibility for Child Welfare Services (89 IAC 304; 39 Ill Reg 62), Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 IAC 309; 39 Ill Reg 74), Permanency Planning (89 IAC 315; 39 Ill Reg 98), Administrative Case Reviews and Court Hearings (89 IAC 316; 39 Ill Reg 123), Interstate Placement of Children (89 IAC

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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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328; 39 Ill Reg 137), Service Appeal Process (89 IAC 337; 39 Ill Reg 143), Appeal of Foster Family Home License Denials by Relative Caregivers (89 IAC 338; 39 Ill Reg 153), Authorized Child Care Payments (89 IAC 359; 39 Ill Reg 159) and Licensing Standards for Foster Family Homes (89 IAC 402; 39 Ill Reg 165), all effective 12/31/15. These amendments implement Public Act 97-1076, which concerns contact and visitation between siblings when some or all are in DCFS custody and not living in the same household. The definition of “sibling” is expanded to include step-siblings when they enter substitute care together and have a positive relationship. DCFS also clarifies that children with one or both biological parents in

common continue to be considered siblings even if parental rights are terminated or one or more of the children are adopted or placed in private guardianship. The rulemakings require DCFS to include preservation of sibling relationships as a factor in substitute care placement decisions; to train direct service staff regarding the importance of sibling relationships; to place siblings together in substitute care when possible; and to recruit adoptive homes that will accept sibling groups and encourage ongoing sibling contact. For siblings who are placed apart, DCFS must develop visitation and contact plans that include face to face visits and other forms of contact (e.g., telephone calls, social media communications), unless such contact places the siblings at risk of physical, mental

or emotional harm. Adoption workers must make good faith efforts to locate all known siblings of a child being placed for adoption and facilitate contact between them if possible. Changes to these rulemakings since 1st Notice clarify the definitions of “sibling” and “visitation” and maintain consistency between these Parts. Those affected by these rulemakings include prospective foster and adoptive parents and agencies that handle adoption or foster care.

Questions/requests for copies of the 12 DCFS rulemakings: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, fax 217/557-0692, e-mail: CFPolicy@idcfs.state.il.us

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Emergency Rules

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1329 administers a Statewide surcharge fund to support establishment of wireless 9-1-1 systems. Those affected by these rulemakings include local governments and telecommunication providers.

Questions/requests for copies of the 6 DSP emergency rules: Matthew R. Rentschler, DSP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

The ILLINOIS COMMERCE COMMISSION adopted

emergency amendments to Standards of Service Applicable to 9-1-1 Emergency Systems (83 IAC 725; 40 Ill Reg 961) and filed emergency repeals of the following 4 Parts: Requirements for Businesses with Private Switch Service to Comply with the Emergency Telephone System Act (83 IAC 726; 40 Ill Reg 1021), Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act (83 IAC 727; 40 Ill Reg 1037), Standards of Service Applicable to Wireless 9-1-1 Emergency Systems (83 IAC 728; 40 Ill Reg 1053) and Administration of

Funds Created by the Wireless Emergency Telephone Safety Act (83 IAC 729; 40 Ill Reg 1074), all effective 12/31/15, implementing PA 99-6. A companion proposed amendment to Part 725 appears in this week's *Illinois Register* at 40 Ill Reg 438. These rulemakings amend or repeal 9-1-1 system rules that ICC formerly administered.

Questions/requests for copies of the 5 emergency rules, and comments on the proposed rulemaking through 2/29/16: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387, fax 217/524-8928.

New Rules

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■ UNIVERSITY PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION (CPO) adopted amendments to the Part titled Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement (44 IAC 4; 39 Ill Reg 8481), effective 1/15/16, that implement two recent Public Acts amending the Illinois Procurement Code. The rulemaking increases the threshold for reporting subcontractor activity from \$25,000 to \$50,000; prescribes electronic signature protocols for vendors; revises notice and hearing procedures for sole source contracts; establishes the CPO as the publisher of the Illinois Procurement Bulletin for higher education; and prescribes policies on a vendor web portal, among other measures. Except for records subject to attorney-client privilege, the CPO may access any records to review whether a contract or purchase is exempt under the Procurement Code. Two additional exemptions from the Code applicable to higher education are added: procurements for placement of students in externships, medical residencies, etc., and contracts for programming and broadcast license rights for university-operated radio and television stations. Expedited or abbreviated procurement practices may be established by the CPO for medical, dental or

veterinary teaching facilities. The Illinois Mathematics and Science Academy shall procure goods and services through the CPO. Notice of renegotiated contracts and change orders for more than \$10,000 or for an extension of more than 30 days shall be published in the Procurement Bulletin. All bids/offers shall be date and time-stamped, with no information given by university personnel other than confirmation of receipt of a bid or offer, except as otherwise permitted by the State Procurement Officer (SPO). New procedures governing electronic or fax submissions and communications are prescribed (e.g., responses must be

submitted to a secure electronic lock box, signatures must be a scanned original signature or a digital signature using an approved security process). Evaluation committees reviewing proposals shall be determined by the university, but can be removed by a SPO for failure to comply with instructions or to ensure the integrity of the procurement. SPOs have the right to attend evaluation committee meetings. The CPO may establish policies and procedures regarding the use of the small purchase method of source selection, such as to

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Proposed Rulemaking

■ BUSINESS FUNDING

The SECRETARY OF STATE proposed an amendment to Regulations Under Illinois Securities Law of 1953 (14 IAC 130; 40 Ill Reg 441) implementing recent statutory changes that allow investment in a new or existing business via crowdfunding (collecting funds on the internet). The rulemaking requires crowd-funded businesses that sell shares or stocks to file notice with SOS at least 15 days before their first sale of securities, to provide this notice to investors, and to post the notice on the business' dedicated internet portal. These notices must be updated annually. Notice must also be provided if the business terminates its offering of

securities; a filing fee of \$100 is required for this notice. Other provisions address escrow agreements, required disclosures, the maximum and minimum number or amount of securities to be sold, the right of an investor to cancel, return of funds if an offering is not completed, qualification of investors, and factors that disqualify businesses from participating in the crowdfunding process. Businesses subject to regulation under the Illinois Securities Law are affected by this rulemaking.

Questions/requests for copies/comments through 2/29/16: Tanya Solov, SOS, 69 W. Washington St., Suite 1220, Chicago IL 60602, tsolov@ilsos.net

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promote small business, diversity and transparency. New contract areas that may employ sole source procurement include items for an existing franchise agreement, items required for research where no other source is able to meet the need procurement need, and new latest edition textbooks that are available only from a publisher in classroom quantities. For grant-funded research procurements, a university may directly negotiate with a vendor when the conditions of the grant making using one of the statutory source selection methods impractical (e.g., grant agreement compliance deadlines). New provisions regarding change orders are added: a written determination must be filed when a change order changes the contract amount by more than \$10,000 or 30 or more days' duration; shall be published in the Procurement Bulletin; and total contract terms are limited to 10 years, among other changes. Revised policies are proposed for various procurement preferences, such as: contracting with persons with disabilities; biodiesel and hybrid fuel purchasing; small business set-aside contract thresholds; and service-disabled veteran contracting. New statutory provisions are added concerning procurement ethics and procurement communication reporting. Changes since 1st Notice clarify various definitions, the roles of the CPO and

universities, processes for multiple awards and change orders, and procurements for grant-funded research. This rulemaking will affect small businesses that seek contracts with State universities. Readers are advised to examine the rule in detail, as numerous changes are enacted that are not detailed in this summary.

Questions/requests for copies: Shirley Webb, CPO-PHE, 401 S. Spring St., 513 Stratton Building, Springfield IL 62706, 217/558-2247, shirley.j.webb@illinois.gov

LAND CONSERVATION

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions (17 IAC 150; 39 Ill Reg 12719), effective 12/29/15. DNR is clarifying that some agricultural management leases for the Conservation Reserve Program are for up to 15 years, and exceed the standard lease timeline of up to 4 years.

DEER HUNTING

DNR also adopted an amendment to the Part titled White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 39 Ill Reg 12723), effective 12/29/15. A companion emergency amendment, effective 9/3/15, appeared in the *Illinois Register* at 39 Ill Reg 13125. The rulemaking

implements recent statutory changes that allow youth hunters to use crossbows. Persons with a valid youth hunting license, an archery deer hunting permit and under the direct supervision of a parent, grandparent or guardian who is at least 21 years of age (and also has a valid hunting license and archery deer permit) may hunt deer with a crossbow. Being accompanied by a parent, grandparent or guardian implies express permission of an adult to have obtained the deer permit.

Questions/requests for copies of the 2 DNR rulemakings: Robert G. Mool, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to Procedures and Standards (92 IAC 1001; 39 Ill Reg 11689), effective 12/31/15, concerning procedures for SOS administrative hearings and appeals involving denials, suspensions, and revocations of driver's licenses or issuance of restricted driving permits. The amendments allow attorneys not licensed in Illinois to represent petitioners at hearings; update and clarify various aspects of documentation, notice, and hearing procedures; allow petitions to be filed by fax or electronic transmission as well as U.S. mail; amend and update definitions for consistency with

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statute; allow restricted driving permits to be issued for driving members of one's immediate family to and from school, for driving one's children to day care, or for driving disabled and elderly persons to day care;

address rehabilitation programs and other factors to be considered in alcohol or drug-related license or permit decisions; and clarify requirements for certification as a Breath Alcohol Ignition Interlock Device (BAIID) provider. Those affected by this rulemaking

include alcohol and substance abuse service providers and manufacturers of BAIIDs.

Questions/requests for copies: Marc Christopher Loro, SOS, 200 Howlett Bldg., Springfield IL 62756, 217/785-8245, fax 217/782-2192, mloro@ilsos.net

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 February 9, 2016 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

Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illnesses (59 IAC 145; 39 Ill Reg 9704) proposed 7/17/15

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 39 Ill Reg 14480) proposed 11/6/15

Educator Licensure (23 IAC 25; 39 Ill Reg 13933) proposed 10/23/15

Voluntary Registration and Recognition of Nonpublic Schools (23 IAC 425; 39 Ill Reg 14491) proposed 11/6/15

Regional Offices of Education and Intermediate Services (23 IAC 525; 39 Ill Reg 14502) proposed 11/6/15

JCAR Meeting Action

At its 1/13/15 meeting, the Joint Committee on Administrative Rules took the following action:

WITHDRAWAL OF FILING PROHIBITION

JCAR withdrew its Filing Prohibition against the Department of Public Health rulemaking titled Grade A Pasteurized Milk and Milk Products (77 IAC 775; 38 Ill Reg 18346) contingent upon and effective with DPH adopting the rule with the agreed-upon modifications. The Filing Prohibition was voted at the 8/11/15 meeting. (This rulemaking, proposed in the 9/5/14 *Illinois Register*, establishes procedures for permitting and inspecting dairy farms that sell and/or distribute raw (unpasteurized) milk directly to consumers.)