

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.

Proposed Rulemakings

■ CHILD ABUSE/NEGLECT

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Reports of Child Abuse and Neglect (89 IAC 300; 40 Ill Reg 13064) implementing changes to the Abused and Neglected Child Reporting Act. The rulemaking amends the criteria for allegations of inadequate supervision to require "blatant disregard" of parental or caregiver responsibilities, and references the statutory definition of blatant disregard (a real, significant and imminent risk of harm to which a reasonable parent or caretaker would not have exposed the child without taking precautionary measures). Three specific categories of inadequate supervision have been added to the existing general category: children left home alone, outside or in the community; children left

in vehicles; and children left in the care of an inadequate caregiver. Factors to be considered in determining whether an allegation of inadequate supervision is founded include the maturity level of the child; the duration and frequency of the child's being left alone; the location and accessibility of the parent or

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guardian; and whether the child was given (and was capable of using) a contact telephone number in case of emergency. DCFS states that these changes are intended to allow parents to make prudent and reasonable parenting decisions. The rulemaking also adds a new category of allegation, "neglect by agency", which includes the failure of a residential child

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Emergency Rulemaking

■ OIL & GAS EXTRACTION

The DEPARTMENT OF NATURAL RESOURCES adopted an emergency amendment to the Part titled The Oil and Gas Act (62 IAC 240; 40 Ill Reg 13265) effective 9/1/16 for a maximum of 150 days. The emergency rule changes the procedures for conducting a step test for maximum injection pressure (MIP). A minimum of 6 recorded steps will be required, with an initial zero rate of pressure and each subsequent rate increasing to 120% of the pressure rate of the preceding step. All steps must be at least 4 minutes in duration and of equal length. If an existing fracture is opened during the test, no further test rate steps are required. If the formation fracture pressure was exceeded or existing fracture was opened, the shut-down pressure,

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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

■ VEHICLE INSPECTION

The DEPARTMENT OF TRANSPORTATION adopted a new Part titled Inspection Procedures for Special Vehicles (92 IAC 438; 40 Ill Reg 2449) and repealed the Part titled Official Testing Stations (92 IAC 448; 40 Ill Reg 2554) both effective 9/1/16. The new Part applies to vehicles such as busses designed to transport 11-15 people, contract carriers, driver education training vehicles, limousines, medical transport vehicles, rebuilt (salvage) vehicles, religious organization busses and tow trucks used intrastate. Much of 92 IAC 448 was incorporated into this Part without change. Changes were made to specifications for emergency/parking brakes; bumpers; doors; exhaust systems; frame, cab and body; fuel storage and delivery systems; lights; mirrors; driver's seats; emergency exits; lettering; lights and lenses; passenger seats; steps and floor coverings; and prohibited items requirements. Procedures for

Emergency Rule

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instantaneous shut-in pressure and 5 minute shut-down pressure must be recorded. Businesses engaged in oil and gas drilling will be affected by this emergency rule.

Questions/requests for copies: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

driver education training and medical transport vehicles are being established, and the types of proof of ownership that are acceptable for rebuilt vehicles are clarified. Identification requirements for tow trucks are deleted. Businesses and non-profit organizations that own or operate the types of vehicles listed in the new Part are affected by these rulemakings.

Questions/requests for copies of the 2 DOT rulemakings: Carrie B. Boyd, Esq., DOT, 2300 S. Dirksen Pkwy., Springfield IL 62764, 217/524-3838.

■ BUSINESS RECORDS

The SECRETARY OF STATE adopted amendments to Regulations Under Illinois Securities Law of 1953 (14 IAC 130; 40 Ill Reg 175 and 329), effective 9/1/16, combining two separately proposed rulemakings. The rulemaking requires regulated businesses (e.g. investment advisors) to establish and maintain a written Business Continuity and Succession Plan addressing the following issues: protection, backup and recovery of books and records; alternate means of communication with customers, employees, key personnel, vendors and service providers; office relocation in the event the primary place of business is temporarily or permanently lost; assignment of duties to qualified responsible persons in the event that key personnel die or are unavailable; and other means of minimizing service disruptions or

client harm from significant business interruption. SOS states that this rulemaking is based upon a model business continuity planning rule adopted by the North American Securities Administrators Association. The rulemaking also exempts merger and acquisition brokers from registration. Businesses regulated under the Illinois Securities Law of 1953 are affected by this rulemaking.

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

Proposed Rulemakings

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welfare facility to insure the health, safety and well-being of residents; conditions that expose residents to harm or lack of care; subjecting residents to an environment injurious to their well-being; and incidents of abuse or neglect against a child or adult resident in which the perpetrator cannot be identified. Those affected by this rulemaking include parents, guardians, caregivers and residential facilities caring for children.

Questions/requests for copies/comments through 10/31/16: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-

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Proposed Rulemakings

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1498, 217/524-1983, fax 217/557-0692, TDD 217/524-3715, e-mail: CFPolicy@idcfs.state.il.us

■ HERPTILES

The DEPARTMENT OF NATURAL RESOURCES proposed a new Part titled Herptile Code (17 IAC 885; 40 Ill Reg 13112). This Part establishes procedures that govern the taking, acquisition, possession, transport, disposition and commercial use of herptiles (reptiles and amphibians, e.g., frogs, toads, snakes, lizards) under the Illinois Herptile Act. The rules outline seasons, possession limits and methods of taking animals; list species native to Illinois; authorize educational use; establish scientific collection and special use permits, reporting applications, reports and fees; set standards for herptile facilities; and establish suspension and revocation procedures. This rulemaking may affect not-for-profit groups as well as private, municipal or not-for-profit museums.

Questions/requests for copies/comments through 10/31/16: Shelley Knuppel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

BANKING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the

DHS Public Hearings

■ HSP OVERTIME RULES

The DEPARTMENT OF HUMAN SERVICES will hold public hearings on proposed rulemakings regarding its overtime policy for Home Services Program (HSP) individual care providers at the following dates, times and locations:

— **Monday, Oct. 3, 1-3 p.m.**, Room C-500, Michael A. Bilandic Building, 160 N. La Salle, Chicago.

— **Thursday, Oct. 6, 1-3 p.m.**, Michael J. Howlett Building Auditorium, Second and Edwards Streets, Springfield.

The hearings concern proposed amendments to Program Description (89 IAC 676; 40 Ill Reg 11079), Customer Rights and Responsibilities (89 IAC 677;

Part titled Eligible State Bank (38 IAC 380; 40 Ill Reg 13106) to permit State banks to satisfy State DFPR examination requirements if they have been examined by appropriate federal agencies (e.g., the FDIC, Federal Reserve Banks of Chicago or Saint Louis). Savings banks may use federal examinations to meet State requirements if they meet the following criteria: a composite CAMELS (Capital adequacy, Asset quality, Management, Earnings, Liquidity, and Sensitivity to market risk) Rating of 1 or 2, or a composite rating of

40 Ill Reg 11087), Service Planning and Provision (89 IAC 684; 40 Ill Reg 11093), and Provider Requirements, Type Services, and Rates of Payment (89 IAC 686; 40 Ill Reg 11101) that were published in the 8/19/16 *Illinois Register*. Each person planning to testify at these hearings must provide a written copy of their remarks. Oral testimonies will be limited to 10 minutes per person. Persons needing reasonable accommodations due to disability must contact DHS no later than 9/26/16. Home Services Program providers and customers are affected by these rulemakings.

Questions regarding the public hearings or the proposed rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

3 for a stable and improving institution provided the composite rating is confirmed by an offsite review in which no adverse trends are noted.

Questions/requests for copies/comments through 10/31/16: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813 Fax: 217/557-4451.

No Second Notices This Week
