

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

VOL. 41

December 1, 2017

Issue 48

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 Rule

■ SEXUAL HARASSMENT

The SECRETARY OF STATE adopted an emergency amendment to Departmental Duties (2 IAC 552; 41 Ill Reg 14838) effective 11/20/17 for a maximum of 150 days. A companion proposed rulemaking also appears in this week's *Illinois Register* at 41 Ill Reg 14432. These rulemakings implement Public Act 100-554, which imposes additional duties upon the SOS Office of Inspector General to review sexual harassment allegations against lobbyists required to register with SOS. The rule requires the SOS Deputy Inspector General to receive (in person or via telephone, letter, fax or e-mail) complaints regarding sexual harassment and evaluate all complaints to determine if they require further review. The Deputy IG will investigate only those sexual harassment

complaints that involve circumstances stemming from the alleged harasser's status as a registered lobbyist, rather than from an employer-employee relationship. Procedures and criteria for reviewing allegations and gathering evidence are included. A completed summary review of each allegation completed by the Deputy IG will be submitted to the IG for final approval, then forwarded to the Executive Ethics Commission. The complainant will be informed of this submission. Registered lobbyists are affected by this emergency rule.

Questions/requests for copies/ comments on the proposed rulemaking through 1/16/18: Paul Thompson, Office of the SOS Inspector General, 342 W. Monroe St., Springfield IL 62704, 217/785-2012.

New Rules

■ LONG TERM CARE

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 41 Ill Reg 3761) and Sheltered Care Facilities Code (77 IAC 330; 41 Ill Reg 3775), both effective 11/15/17, removing a requirement that persons with a financial interest in a regulated facility include their Social Security numbers on the initial and renewal license application forms. Other changes align the language of each Part more closely with the Nursing Home Care Act. Owners, investors and operators of nursing homes are affected.

Questions/requests for copies of the 2 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

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

■ TEACHER PREPARATION

The STATE BOARD OF EDUCATION proposed repeal of the Part titled Standards for Endorsements in Specific Teaching Fields (23 IAC 27; 41 Ill Reg 14434) and proposed a new Part with the same title and Part number (23 IAC 27; 41 Ill Reg 14797) that replaces current State-specific standards for endorsement in each subject with national standards established by professional education associations. The national standards will apply to all teachers in each subject area effective 10/1/24. Teachers, student teachers, and educator preparation programs are affected by these rulemakings.

Questions/requests for copies/ comments on the 2 SBE rulemakings through 1/16/18: Lindsay Bentivegna, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

■ OIL & GAS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 41 Ill Reg 14368) concerning the permitting process for oil and gas wells. The rulemaking simplifies the process of certifying that a permit applicant has the right to drill for or operate a well at the proposed site; starts the 15-day public comment period for an application on either the date the

notice is published or the date the application is filed, whichever is later; allows for pooled units (a single lease or agreement that includes more than one well owner/operator); and allows wells to be spaced 330 feet (currently, 660 feet) apart, separated by no less than 10 feet from the nearest drilling unit boundary line. Petitions to modify existing drilling units will not be accepted from persons with a record of previous Oil and Gas Act violations, or financial or management interests in a company with a record of such violations; persons who are delinquent in payment of annual well fees; or persons who have falsified or misstated information contained in the petition. Public hearings on modification petitions must be held 30 to 60 days after DNR has accepted the petition. Other provisions set criteria for placing wells that have been inactive for at least 24 consecutive months in temporary abandonment status; establish public notice and hearing procedures; set a 20 working day timeframe for DNR to grant or deny a petition after a public hearing has taken place; set criteria for permit applications for special drilling units; and clarify the process for transferring a permit to a new owner. Oil and gas drilling businesses will be affected by this rulemaking.

Questions/requests for copies/ comments through 1/16/18: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-6379.

■ REAL ESTATE & AUCTIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Parts titled Auction License Act (68 IAC 1440; 41 Ill Reg 14325) and Real Estate License Act of 2000 (68 IAC 1450; 41 Ill Reg 14339) and proposed repeal of the Parts titled Land Registration Act of 1999 (68 IAC 1260; 41 Ill Reg 14309) and Real Estate Timeshare Act of 1999 (68 IAC 1451; 41 Ill Reg 14349). These rulemakings implement Public Act 100-534, which repealed the Land Registration and Real Estate Timeshare acts and abolished licensure requirements for internet auction listing services.

BANKS

DFPR also proposed amendments to Corporate Applications for Banks and Corporate Fiduciaries (38 IAC 370; 41 Ill Reg 14300) implementing PA 100-48 by repealing the requirement that banks and savings banks file notice under the Corporate Fiduciary Act (in addition to notices already required under other banking statutes) before establishing a branch office.

Questions/requests for copies/ comments on the 5 DFPR rulemakings through 1/16/18: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

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 December 12, 2017 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 STATE POLICE

Standards of Service Applicable to 9-1-1 Emergency Systems (83 IAC 1325; 41 Ill Reg 7921)
proposed 7/7/17

OFFICE OF THE STATE TREASURER

E-Pay Program (74 IAC 735; 41 Ill Reg 11877) proposed 9/29/17

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Peter Breen

Senator Karen McConaughay

Representative Tom Demmer

Senator Don Harmon

Representative Greg Harris

Senator Tony Muñoz

Representative Lou Lang

Senator Ira Silverstein

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**