

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

■ ABLE ACCOUNTS

The OFFICE OF THE TREASURER adopted a new Part titled Achieving a Better Life Experience (ABLE) Account Program (74 IAC 722; 41 Ill Reg 789), effective 6/7/17, establishing a tax-advantaged savings program for disabled or blind persons. ABLE Accounts are open to persons whose blindness or disability status have been determined under the federal Social Security Act; the disability must have occurred before age 26, or before a disability certification was filed with the US Secretary of the Treasury. Funds deposited in an ABLE Account may be used for qualifying disability-related expenses, and will not be included among the assets used to determine eligibility for Social Security or other disability benefits. The Part defines key terms, such as “Account

Administrator” (the person selected by the Treasurer to administer the ABLE account plan by providing recordkeeping, investment management and other services for the plan); “Administrative Expenses” (all expenses associated with the ABLE program, including fees payable to third parties providing services to the plan); “Earnings” (the

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aggregate total of all dividends and interest received by an account plan following the plan’s startup), etc. The Treasurer serves as the State administrator of the ABLE program and accepts applications, maintains account records, makes payments under the program and may delegate these duties to others. The Treasurer shall establish

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Proposed Rulemakings

■ SALES TAX

The DEPARTMENT OF REVENUE proposed an amendment to Retailers’ Occupation Tax (86 IAC 130; 41 Ill Reg 7107) implementing Public Act 99-217. The rulemaking provides that, effective 7/31/15, retailers are relieved of sales tax liability for customer purchases that have been written off as bad debts in accordance with generally accepted accounting principles and claimed as federal income tax deductions. For unpaid purchases made through private-label credit cards (charge cards that can be used only at a particular retailer or retail chain), the amount of the purchase may be claimed as a deduction if it was written off as bad debt on or after 1/1/16.

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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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participant fees to pay for the costs of administration, recordkeeping and investment management, and establish an investment policy. A recordkeeper (which may be a third party contractor) may manage recordkeeping services, process enrollments, maintain accounts, receive and disburse funds, provide account participants with account information, file required reports, and prevent fraud. The Treasurer is responsible for the marketing and promotion of the program, or may hire a vendor to assist with those efforts. The Treasurer may also elect to make Illinois a “contracting state” for the purpose of managing another state’s ABLE program and use forms developed by federal agencies, or original forms. Applicants for the program must provide personal information and certify that the applicant understands the maximum account value and how account values exceeding federal limits may affect their eligibility under the program. Qualified expenses for which ABLE account funds may be used include education; housing; transportation, employment training and support; assistive technology and personal support services; financial management services; legal fees; funeral and burial expenses, among others. Penalties for nonqualified withdrawals from an account shall be in accordance with the federal Internal Revenue Code.

Since 1st Notice, language has been added clarifying the investment options and fee schedule and citing a date-specific version of applicable federal guidelines. Those affected by this rulemaking include persons with disabilities and their guardians or representatives.

Questions/requests for copies: Allan Mayer, State Treasurer, 219 State House, Springfield IL 62706, 217/557-2673, Fax: 217/785-2777, e-mail: AMayer@illinoistreasurer.gov

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Hospital Licensing Requirements (77 IAC 250; 41 Ill Reg 1572), effective 6/12/17, that provide for the creation of a single governing authority for two or more hospitals within a health care system and, for two or more separately licensed hospitals within a health care system, to consolidate their medical staffs into a unified medical staff and establish operational requirements for a single governing authority and a unified medical staff. The rulemaking also updates the incorporated and referenced materials Section and makes extensive, non-substantive technical amendments. Since 1st Notice, the proposed timetable for unified medical staff meetings has been changed from quarterly to twice per fiscal or calendar year.

Questions/requests for copies: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

ADA PROCEDURES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted an amendment to Americans with Disabilities Act Grievance Procedure (4 IAC 425; 40 Ill Reg 9304) effective 6/6/17, that refers to the agency’s designated ADA officer by title only instead of by name.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us

IEMA REPEALER

The ILLINOIS EMERGENCY MANAGEMENT AGENCY repealed the Part titled Information, Rulemaking and Organization (2 IAC 2950; 41 Ill Reg 7131) effective 6/9/17. The repealed Part contains organizational rules for IEMA’s Low-Level Radioactive Waste Task Group, which has been inactive for many years.

Questions/requests for copies: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860.

Proposed Rulemakings

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Questions/requests for copies/comments through 8/7/17: Debra Boggess, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 41 Ill Reg 7029) implementing Public Act 99-655. The rulemaking repeals provisions for programs that are inactive and unfunded, eliminates data collections not vital to ICCB's goals, and updates the list of reports and surveys that community colleges must report to ICCB annually.

Questions/requests for copies/comments through 8/7/17: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, fax 217/524-4981, e-mail: Matt.berry@illinois.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 July 18, 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 FINANCIAL AND PROFESSIONAL REGULATION

Pharmacy Practice Act (68 IAC 1330; 41 Ill Reg 1283) proposed 2/10/17

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 41 Ill Reg 3817) proposed 3/31/17

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 41 Ill Reg 7227), effective 6/9/17, implementing a memorandum of understanding with AFSCME regarding certain corrections officer positions. The rule assigns the titles of corrections treatment officer and corrections treatment officer

trainee to an AFSCME bargaining unit for Department of Corrections employees and assigns the title of corrections treatment officer supervisor to a separate bargaining unit for DOC supervisory employees.

Questions/requests for copies: Jason Doggett, CMS, 503 Stratton Bldg., Springfield IL 62706, 217/524-1055, fax 217/558-4497, e-mail: CMS.PayPlan@illinois.gov

IEMA REPEALERS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed repeal of the Parts titled Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides (32 IAC 336; 41 Ill Reg 7075) and Certification and Operation of Radiochemistry Laboratories (32 IAC 406; 41 Ill

Reg 7082) since IEMA no longer maintains a laboratory certified to test drinking water samples and no longer has personnel certified to audit other laboratories performing these tests.

Questions/requests for copies/comments through 8/7/17: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860.