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Joint Committee on Administrative Rules  
Illinois General Assembly

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*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

### ■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an amendment to Video Gaming (General) (11 IAC 1800; 41 Ill Reg 2669) effective 7/13/17, replacing an emergency amendment that was effective 2/7/17. The rulemaking implements an Illinois Supreme Court decision (*J&J Ventures Gaming, LLC v. Wild, Inc.*) giving IGB exclusive authority over use agreements between terminal operators and licensed video gaming locations. IGB shall decide any petition brought by a terminal operator or licensed video gaming location alleging that all or part of a use agreement is invalid. Issues that the IGB Administrator has authority to decide include whether a use agreement complies with the Video Gaming Act and its implementing rules; which agreement takes precedence if two or more use agreements

have overlapping effective dates; whether renewal provisions in a use agreement unduly restrict a licensed video gaming operator from opting out of the agreement; and whether a terminal operator has used coercion, deception or improper inducement to persuade a licensed video gaming operator to sign or renew a use agreement. The rule also establishes procedures for submitting petitions to IGB. Since 1<sup>st</sup> Notice, IGB has clarified its definition of improper inducement and required the Administrator to confer with the involved parties before, rather than after, issuing a recommended decision. Licensed video gaming locations and terminal operators are affected.

Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312/814-7253.

## Proposed Rulemakings

### ■ PENSION PAYMENTS

The COMPTROLLER proposed a new Part titled Payments Remitted on Behalf of a Pension Fund (74 IAC 295; 41 Ill Reg 10228) to implement various Public Acts that authorize the Comptroller to reduce State funds payable to a unit of local government and divert payment of certified amounts to a pension fund or retirement plan to which a unit of local government owes payments. Pension funds included in this Part include those for Chicago and Downstate police officers and firefighters, Chicago and other Illinois municipal employees, employees of forest preserve districts, and others. The Part defines terms such as "claimant" (a pension fund or retirement plan authorized by the Pension

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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.

# Proposed Rulemakings

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Code to certify amounts delinquent and claim remittance), “gross amount of a warrant” (an amount of money for which a State agency has authorized the Comptroller to make payment), and “payee subject to a remittance” (the payee of any warrant from which the Comptroller has reduced or withheld funds that are eligible to be remitted). The rule establishes procedures for claimants to be notified of amounts delinquent and of their opportunity to be heard regarding their claims. Unless otherwise barred by law, any State warrant is subject to offset for payment into a pension fund, including a settlement payment by the State to release any pending or potential claims against the State. Payees must be advised that their amounts have been remitted and subject to payment to the pension fund making the claim for offset. Units of local government that wish to protest these actions must give notice to the Comptroller within 60 days after the Comptroller advises them of the amount to be remitted to the pension fund, and the protesting government must state reasons for contesting the claim. The protesting government must also state the amount, if any, that is not disputed by the local government, along with other information that will assist the Comptroller to determine the amount due the claimant pension fund or retirement plan, with the

Comptroller making a determination on the merits of the claim and protest. Finally, affected parties shall be informed whenever a remittance is paid. Those affected by this rulemaking include small municipalities.

Questions/requests for copies/ comments through 9/11/17: Whitney Rosen, Office of the Comptroller, 325 W. Adams St., Springfield IL 62704, phone 217/782-6000, e-mail: [Whitney.Rosen@illinoisc comptroller.gov](mailto:Whitney.Rosen@illinoisc comptroller.gov)

## ■ HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Hospital Licensing Requirements (77 IAC 250; 41 Ill Reg 10257) and Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 41 Ill Reg 10292) implementing Public Act 99-454, which prohibits hospitals and other healthcare providers from billing sexual assault survivors for emergency treatment or forensic services. Both rulemakings require hospitals to provide written notice to sexual assault survivors that they should not be directly billed for any emergency or outpatient services and that they will receive a voucher to cover the cost of any needed follow-up care. The notice also must include phone numbers that the survivor may call in the event of an erroneous billing for emergency services, and the hospital must keep a copy of the follow-up treatment voucher in

the survivor’s medical record. The Part 545 rulemaking also updates the definition of sexual assault to reference the Criminal Code of 2012. Additionally, the Part 250 rulemaking requires DPH to conduct an on-site inspection of any new construction, addition, or major alteration to a hospital within 15 business days after the project is completed and DPH has accepted all required certification for the project. Once the inspection is complete and the applicant has demonstrated substantial compliance, DPH has 5 business days to provide written approval for occupancy. If DPH fails to provide approval within this time frame, the project shall be deemed approved and may be occupied after any required health inspection is completed.

Questions/requests for copies/ comments through 9/11/17: Elizabeth Paton, DPH, 535 W. Jefferson, 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## ■ CURRENCY EXCHANGES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges (38 IAC 130; 41 Ill Reg 10220) raising the

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## **Proposed Rulemakings**

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maximum rates currency exchanges may charge for cashing checks. The new rates are: for checks of \$100 or less, 2.5% of the face amount, plus a service fee of \$1.00; for checks greater than \$100 to \$1,250, 2.5% of the face amount; and for checks more than \$1250, 3% of the face amount. Various non-substantive technical changes are also being made.

Questions/requests for copies/comments through 9/11/17: Craig Cellini, DFPR, 320 W. Washington,

3<sup>rd</sup> Fl., Springfield IL 62786, 217/785-0813 Fax: 217/557-4451.

### **UNIVERSITIES RETIREMENT**

The STATE UNIVERSITIES RETIREMENT SYSTEM proposed amendments to Universities Retirement (80 IAC 1600; 41 Ill Reg 10237) revising its hearing rules to clarify what evidence may be considered by a Claims Panel. Any evidence, argument or other information presented to a Claims Panel held in the absence of a claimant who waived his or her right to participate will not be deemed an ex parte communication. The

rulemaking also revises SURS Board election rules to replace hardcopy mail transmission of election information to eligible voters with email transmission; however, an eligible voter who does not have a current email address on file with SURS will continue to receive election information by U.S. mail. Board candidate biographies will be posted on the SURS website at least 30 days prior to an election.

Questions/requests for copies/comments through 9/11/17: Albert Lee, SURS, 1901 Fox Dr., Champaign IL 61820, 217/378-8861.

## **Joint Committee on Administrative Rules**

**Senator Bill Brady**

**Senator Karen McConnaughay**

**Senator Don Harmon**

**Senator Tony Muñoz**

**Senator Ira Silverstein**

**Senator Chuck Weaver**

**Representative Peter Breen**

**Representative Tom Demmer**

**Representative Greg Harris**

**Representative Lou Lang**

**Representative André Thapedi**

**Representative Keith Wheeler**

**Vicki Thomas  
Executive Director**

## **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 August 15, 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**

Reverse Mortgage Loans (Repealer) (38 IAC 300; 41 Ill Reg 4862) proposed 5/12/17

Minimum Organizational Capital Requirements for Banks and Trust Companies (38 IAC 310; 41 Ill Reg 4866) proposed 5/12/17

High Risk Home Loans (Repealer) (38 IAC 345; 41 Ill Reg 4870) proposed 5/12/17

Predatory Lending Database (Repealer) (38 IAC 346; 41 Ill Reg 4890) proposed 5/12/17

Savings Bank Act (38 IAC 1075; 41 Ill Reg 4899) proposed 5/12/17

Optometric Practice Act of 1987 (68 IAC 1320; 41 Ill Reg 5754) proposed 5/26/17

### **DEPT OF INSURANCE**

Reinsurance Ceded Contracts (Repealer) (50 IAC 1101; 41 Ill Reg 4925) proposed 5/12/17

Security Valuation Reserve (Repealer) (50 IAC 1401; 41 Ill Reg 4928) proposed 5/12/17

Actuarial Opinion and Memorandum (Repealer) (50 IAC 1408; 41 Ill Reg 4931) proposed 5/12/17

Explanation of Special Reserves (Repealer) (50 IAC 1701; 41 Ill Reg 4957) proposed 5/12/17

### **IL RACING BOARD**

Inter-Track Wagering Facilities (11 IAC 435; 41 Ill Reg 5789) proposed 5/26/17

Licensing (11 IAC 502; 41 Ill Reg 5793) proposed 5/26/17

Jockeys, Apprentices, Jockey Agents, and Valets (11 IAC 1411; 41 Ill Reg 5800) proposed 5/26/17

### **IL COMMUNITY COLLEGE BOARD**

Administration of the Illinois Public Community College Act (23 IAC 1501; 41 Ill Reg 5698) proposed 5/26/17

State Community College of East Saint Louis (Repealer) (23 IAC 1600; 41 Ill Reg 5709) proposed 5/26/17

Public Information, Rulemaking and Organization (Repealer) (23 IAC 5100; 41 Ill Reg 5690) proposed 5/26/17