

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

■ UNEMPLOYMENT CLAIMS

The DEPARTMENT OF EMPLOYMENT SECURITY, effective 1/15/19, adopted amendments to the following Parts: Claims, Adjudication, Appeals and Hearings (56 IAC 2720; 42 Ill Reg 16965), Administrative Hearings and Appeals (56 IAC 2725; 42 Ill Reg 16978), Employment (56 IAC 2732; 42 Ill Reg 17002), Notices, Records, Reports (56 IAC 2760; 42 Ill Reg 17008), Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 42 Ill Reg 17028), Collection of Unemployment Contributions (56 IAC 2790; 42 Ill Reg 17048), and Payment of Benefits (56 IAC 2830; 42 Ill Reg 17052), updating various aspects of unemployment insurance claims and processing. The Part 2720 rulemaking establishes that the address provided by a claimant

on his or her most recent unemployment claim application is the claimant's last known address until the claimant directly informs DES of a change of address by phone, in person or online. It also requires unemployment claim forms and employer notices for posting in the workplace to be available for download at the DES website.

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Amendments to Part 2725 explain how employers are to report changes of address; submit documents and receive notices electronically; sign documents electronically; obtain needed forms; request rate reviews; and appeal a determination and assessment. Amendments to Part 2732 clarify the employer's right to request a transfer of contributions and allow electronic

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Proposed Rulemakings

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 43 Ill Reg 1500) implementing pension buyout programs established by PA 100-587, clarifying provisions for leaves and days of service credit, and updating TRS Board election rules. The Accelerated Annual Increase (AAI) Program allows Tier 1 System members (hired before 1/1/11) who retire prior to 6/30/21 to forgo a 3% compounded automatic annual increase in exchange for a 1.5%, non-compounded AAI that begins on Jan. 1 following their 1st anniversary of retirement, or on their 67th birthday, whichever is later. Members who choose this option will receive a lump

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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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submission of tax-related documents. The Part 2760 rulemaking replaces mailing quarterly wage reports and remittance forms to employers with electronic downloading and also permits employers to electronically submit tax-related documents. Amendments to Part 2765 allow amounts of \$2 (formerly \$1) or less owed by an employer for benefits paid to be disregarded; clarifies how employer payments will be applied within a quarter; clarifies various situations involving employee leasing companies, transfers of business, and waivers of interest; and clarifies time frames for employers to submit documents regarding tax and liability-related issues. The Part 2790 rulemaking also implements the \$2 disregard and requires employers to reimburse DES for recording fees. Finally, amendments to Part 2830 replace instructions for mailing benefit checks (which DES no longer issues) with instructions for mailing debit cards to claimants who do not receive benefits by direct deposit. The rulemaking also addresses replacement of electronic payments and reissuance of debit cards that are lost or stolen, procedures for investigating potentially fraudulent debit card or direct deposit authorizations, and payment of benefits to claimants who have died or become comatose. Businesses, local governments and non-profits that

participate in unemployment insurance are affected by these rulemakings.

Questions/requests for copies of the 7 DES rulemakings: Thomas D. Chan, DES, 33 S. State St., Room 933, Chicago IL 60603, 312/793-2338, fax 312/793-5645, Thomas.D.Chan@illinois.gov

■ ADOPT-A-TRAIL

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Part titled Public Use of State Parks and Other Properties of the Department of Natural Resources (17 IAC 110; 42 Ill Reg 7905), effective 1/17/19, establishing rules for the Adopt-A-Trail program, which allows volunteer groups to assist with maintenance and enhancement of trails on State-owned land. Volunteer groups of 6 or more adults, as well as school or scout groups supervised by an adult, may participate in the program. Groups must submit applications to DNR for review and individual group members also must register with DNR. Groups that are accepted must sign written agreements with DNR to provide at least 200 hours of service over a 2-year term. The agreements will specify the activities to be performed by the group, which may include spring cleanups; accessibility projects; trail maintenance, enhancement or realignment; public information and assistance; or other activities approved by DNR. Volunteer groups cannot perform work that

is historically reserved to DNR employees or that would be inconsistent with the terms of a collective bargaining agreement. DNR may select more than one group to maintain a particular trail and will coordinate any proposed volunteer activities. Since 1st Notice, DNR has removed provisions that made program participants subject to background checks. Those affected by this rulemaking include small businesses, municipalities or non-profits that wish to organize Adopt-A-Trail groups.

Questions/requests for copies: Javonna Ackerman, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-0126.

MENTAL HEALTH FACILITIES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 42 Ill Reg 16158), effective 1/18/19, implementing Public Acts 99-712 and 100-365. The rulemaking provides for newly established facilities to receive provisional licenses that expire 3 years from the date they are issued. (Formerly, the provisional licensure period for all facilities began on 5/22/14 and ended on 5/22/17.) Provisional licenses for recovery and rehabilitation services will be issued within 60 days after DPH

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Proposed Rulemakings

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sum payment equal to 70% of the difference between the present value of the 3% compounded AAI and the 1.5% non-compounded AAI. The Accelerated Pension Benefit (APB) program allows inactive members with sufficient service credit to vest into the retirement plan to forfeit all service credit and rights to future retirement benefits in exchange for a lump sum payment equal to 60% of the present value of their earned benefits. Applications for accelerated benefit payments in 2019 must be submitted within 180 days after notification of eligibility; after that, applications must be made during the 2020 application window (180 days) or the 2021 application window (1/1 through 6/30/21). The rulemaking also includes provisions for including accelerated benefits in Qualified Illinois Domestic Relations Orders (QILDROs) that allow pension benefits to be divided between spouses as part of a divorce or separation agreement, and for correcting overpayment or underpayment errors in an accelerated benefit. Regarding leaves and service days, the rulemaking clarifies that administrative leaves with pay can be counted as service credit up to a maximum of one year or until the date the TRS member resigns, whichever occurs first.

Questions/requests for copies/comments through 3/18/19: Cynthia Fain, TRS, 2815 W. Washington, PO Box 19253,

Ag Public Hearing

■ INDUSTRIAL HEMP

The DEPARTMENT OF AGRICULTURE will hold a public hearing on a proposed new Part titled Industrial Hemp Act (8 IAC 1200; 42 Ill Reg 24360) **Tuesday, Feb. 5, at 1 p.m.** at the John R. Block Building (Department of Agriculture) Auditorium, 801 E. Sangamon Ave, State Fairgrounds Gate 11, Springfield. Persons who wish to comment at the hearing must sign up in person after registration begins at noon. Organizations should designate one person to comment on their behalf. The new Part, published in the 12/28/

Springfield IL 62794-9243, 217/814-2041.

DRIVERS' LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 43 Ill Reg 1491) concerning the documentation used to obtain a veteran designation on a driver's license or state ID card. Current rule requires applicants for veteran license designations to present to SOS a DD214 or other discharge document that has been verified and stamped by the Illinois Department of Veterans' Affairs (DVA) and indicates that the veteran was honorably discharged. The rulemaking allows federal veterans' ID cards verified and stamped by DVA to

18 *Illinois Register*, implements a licensing program for individuals or businesses that cultivate, process or handle industrial hemp. The program includes licensing and license application fees, reporting and inspection requirements, and fines for violations. Businesses seeking licenses to cultivate or process industrial hemp are affected.

Questions/requests for copies/comments concerning the rulemaking or the public hearing: Pamela Harmon, DOA, State Fairgrounds, P.O. Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

also be submitted for this purpose. Additionally, if a DD214 or other document proving honorable discharge status cannot be stamped, DVA shall issue a certificate that the veteran may then present to SOS.

Questions/requests for copies/comments through 3/18/19: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

AIR POLLUTION

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed amendments to Procedures for Collection of Air Pollution Site Fees (35 IAC 251; 43 Ill Reg 1452) and Clean Air Act

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Proposed Rulemakings

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Permit Program Procedures (35 IAC 270; 43 Ill Reg 1456), both of which allow electronic payment of permitting fees. Additionally, the Part 270 amendment updates statutory cross references to fee amounts for CAAPP permits.

Questions/requests for copies/comments on the 2 IEPA rulemakings through 3/18/19: Charles E. Matoesian, IEPA, 1021 N. Grand Ave. East, PO Box 19276, Springfield IL 62794-9276, 2 1 7 / 7 8 2 - 5 5 4 4 , charles.matoesian@illinois.gov

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to Filing Policy and Endorsements Form (50 IAC 753; 43 Ill Reg 1463) and Required Procedures for Group Inland Marine Insurance (50 IAC 2302; 43 Ill Reg 1476) concerning procedures for form and rate

filings for group certificate inland marine policies. The Part 2302 rulemaking reflects DOI's policy requiring companies to submit filings through the National Association of Insurance Commissioners' SERFF system. The Part 753 amendment clarifies that policies regulated under Part 2302 are not subject to Part 753.

DOI also proposed amendments to Construction and Filing of Accident and Health Insurance Policy Forms (50 IAC 2001; 43 Ill Reg 1468) removing obsolete references to the Illinois Health Care Reform Implementation Council, which was abolished in 2018, and updating incorporations of the documents that establish essential health benefits for plan years 2017-2019 and plan years on and after 2020.

Questions/requests for copies/comments on the 3 DOI rulemakings through 3/18/19: Susan Anders, DOI, 320 W.

Washington St., 4th Fl., Springfield IL 62767, 217/558-0957.

DOA REPEALERS

The DEPARTMENT OF AGRICULTURE proposed repeal of the Parts titled Forever Green Illinois Program (8 IAC 241; 43 Ill Reg 1412), Governor's Agricultural Heritage Award (8 IAC 305; 43 Ill Reg 1417), Illinois AgriFIRST Program Act (8 IAC 950; 43 Ill Reg 1423) and Specialty Farm Product Buyers Act (68 IAC 580; 43 Ill Reg 1448). These rulemakings eliminate rules for programs that were abolished by PA 89-657, 100-117 and 100-844.

Questions/requests for copies/comments on the 4 DOA rulemakings through 3/18/19: Pamela Harmon, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

New Rules

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has accepted the application as complete and determined that the facility meets life/safety requirements.

BIRTH CENTERS

DPH also adopted amendments to Birth Center Demonstration Program Code (77 IAC 265; 42 Ill Reg 16604), effective 1/18/19,

implementing Public Act 99-834, which requires bilateral hearing screening of newborns prior to discharge. The rulemaking also updates various incorporated and referenced materials.

Questions/requests for copies of the 2 DPH rulemakings: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl, Springfield IL 62761, 217/782-2043, dph.rules@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 February 19, 2019 JCAR 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 AGRICULTURE

Meat and Poultry Inspection Act (8 IAC 125; 42 Ill Reg 20174) proposed 11/16/18

DEPT OF COMMERCE & ECONOMIC OPPORTUNITY

Administrative Hearing Rules (56 IAC 2605; 42 Ill Reg 18780) proposed 11/2/18

DEPT OF INSURANCE

Construction and Filing of Life Insurance and Annuity Forms (50 IAC 1405; 42 Ill Reg 20207) proposed 11/16/18

Summary Document and Disclaimer (50 IAC 3401; 42 Ill Reg 20934) proposed 11/30/18

DEPT OF PUBLIC HEALTH

Hospital Licensing Requirements (77 IAC 250; 42 Ill Reg 18384) proposed 10/12/18

DEPT OF TRANSPORTATION

Qualification of Drivers (92 IAC 391; 42 Ill Reg 20939) proposed 11/30/18

Joint Committee on Administrative Rules

Senator Don Harmon

Representative Tom Demmer

Senator Kimberly Lightford

Representative Greg Harris

Senator Tony Muñoz

Representative Steven Reick

Senator Sue Rezin

Representative André Thapedi

Senator Paul Schimpf

Representative Keith Wheeler

Senator Chuck Weaver

**Vicki Thomas
Executive Director**