

*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

### PENSION BUYOUT PLAN

The STATE UNIVERSITIES RETIREMENT SYSTEM adopted amendments to Universities Retirement (80 IAC 1600; 43 Ill Reg 3163), effective 7/26/19, implementing provisions of Public Act 100-587 that create two accelerated pension benefit payment programs. One program allows Tier 1 System members (hired before 1/1/11) who retire prior to 6/30/21 to forgo the 3% compounded automatic annual increase (AAI) in exchange for a 1.5%, noncompounded AAI that begins on Jan. 1 following their 1<sup>st</sup> anniversary of retirement, or on their 67th birthday, whichever is later. SURS members who choose this option will receive a lump sum payment equal to 70% of the difference between the present value of the 3% compounded AAI and the 1.5% non-compounded AAI. Another

program, known as the Vested Inactive Buyout (VIB) 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

#### Peremptory Rule, Page 3

must be submitted no later than 6/1/21, and only service credit earned under SURS may be used to determine eligibility. Persons who receive proportional annuities from a reciprocal State or local government retirement system before 12/1/18, and persons who would be in violation of the minimum distribution requirements of the Internal

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## Proposed Rulemakings

### STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed amendments to General Provisions (23 IAC 2700; 43 Ill Reg 7966), Monetary Award Program (MAP) (23 IAC 2735; 43 Ill Reg 7988), Optometric Education Scholarship Program (23 IAC 2741; 43 Ill Reg 7999) and Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763; 43 Ill Reg 8006), all implementing the Retention of Illinois Students and Equity (RISE) Act (PA 101-21). Amendments to Part 2700 expand the definition of an "eligible noncitizen" to include persons who are not permanent residents of the U.S. and do not meet federal student assistance criteria, but meet all of the following criteria: the individual resided with a parent or guardian

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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.

# New Rules

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Revenue Code if they accepted an accelerated payment, are not eligible for these programs. Persons who owe overpayments to SURS are also ineligible for accelerated benefits until their debt is paid in full. The rule also includes provisions for including accelerated benefits in Qualified Illinois Domestic Relations Orders (QILDROs) which allow pension benefits to be divided between spouses as part of a divorce or separation agreement. An employer that fails to make a complete payment of unpaid contributions due within 3 years will have the delinquent amount deducted from other State funds by the Comptroller. Additionally, the rulemaking updates contact information for requests for public information made under the Freedom of Information Act; clarifies the definitions of State fiscal year and Governor's salary for purposes of determining the employer contribution for earnings in excess of the Governor's salary; and removes certain provisions for determining full time equivalent (FTE) earnings exclusions (only payments made for unused sick leave or unused vacation time under a collective bargaining agreement are excluded).

Questions/requests for copies: Albert J. Lee, SURS, 1901 Fox Drive, Champaign IL 61820, 217/378-8861.

## ■ WATER POLLUTION

The POLLUTION CONTROL BOARD adopted a new Part titled Design, Operation and Maintenance Criteria (35 IAC 604; 42 Ill Reg 14523), repealed the Part titled Operation and Record Keeping (35 IAC 607; 42 Ill Reg 16472) and adopted amendments to the Parts titled Introduction (35 IAC 601; 42 Ill Reg 14474), Permits (35 IAC 602; 42 Ill Reg 14494), and Primary Drinking Water Standards (35 IAC 611; 42 Ill Reg 14663), all effective 7/26/19. The new Part 604 is intended to consolidate and update rules for design, operation and maintenance of community water supplies that are now maintained by the Illinois Environmental Protection Agency at 35 IAC 653. The two Sections that remained in Part 607 have also been replaced in the new Part 604. Amendments to Parts 601, 602, and 611 make conforming changes to definitions, incorporations by reference, permitting requirements, and other provisions related to those in 35 IAC 604. Those affected by these rulemakings include operators of municipal and community water supplies.

Questions/requests for copies of the 5 PCB rulemakings: Tim Fox, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6085, [tim.fox@illinois.gov](mailto:tim.fox@illinois.gov). Please reference Docket R18-17.

## HORSE RACING

The ILLINOIS RACING BOARD adopted an amendment to the Part titled Horse Health (11 IAC 605; 43 Ill Reg 4369), effective 8/1/19, adopting provisions of the Association of Racing Commissioners International (ARCI) model rule for humane treatment of race horses. The amendment provides that no licensee or other person under the jurisdiction of IRB shall, either alone or in collaboration with another person, subject an animal in his or her control, or permit an animal to be subjected to, cruelty, mistreatment, neglect or abuse; abandon, injure, maim, kill or poison any animal; or deprive any animal of necessary care, sustenance, shelter or veterinary care. IRB also repealed the Part titled Time and Records (11 IAC 1324; 43 Ill Reg 4373), effective 8/1/19, which was adopted prior to 1979 and is now outdated.

Questions/requests for copies of the 2 IRB rulemakings: Mickey Ezzo, IRB, 100 W. Randolph St., Suite 5-700, Chicago IL 60601, 312 / 814 - 5017, [mickey.ezzo@illinois.gov](mailto:mickey.ezzo@illinois.gov)

# Proposed Rulemakings

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while attending an Illinois public or private high school; has graduated from an Illinois high school or received the equivalent of a high school diploma; has attended school in Illinois for at least 3 years following graduation or HS equivalency completion; has not established a residence outside Illinois; and provides the institution of higher learning with an affidavit stating that he or she will apply to become a permanent U.S. resident as soon as the individual is eligible to do so. Individuals who meet these criteria can apply for State student aid and benefits by filing a RISE Act Application in place of the Free Application for Federal Student Aid (FAFSA). Where appropriate, references to FAFSA elsewhere in ISAC's rules will also include RISE applications. ISAC will continue to consult with "other appropriate State and federal agencies" when reviewing financial aid application data, but is removing references to the specific agencies that may be consulted (e.g., U.S. Citizenship and Immigration Services, Internal

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## Peremptory Rule

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Conditions of Employment (80 IAC 303; 43 Ill Reg 8590), effective 7/26/19, implementing provisions of the recently approved AFSCME Master Contract for the period 7/1/15-6/30/23. The peremptory rule expands paid parental leave after the birth or adoption of a child to 10 weeks (formerly, 4 weeks) in each 12-month period following a birth or adoption and 5 weeks following a stillbirth

(also formerly 4 weeks). For adoptions occurring after a foster care placement, parental leave will be granted if the child or children have not lived with the employee for at least 3 years prior to the adoption. If both parents are State employees, each shall be eligible for up to 10 weeks paid leave, which may be taken concurrently or consecutively (formerly, only one leave per family was allowed).

Questions/requests for copies: Sean Coombe, CMS, 720 Stratton Bldg., Springfield IL 62706, 217/524-7518.

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Revenue Service). Corresponding amendments to Parts 2735, 2741 and 2763 modify the definition of FAFSA and replace the term "permanent resident" of the U.S. with "eligible noncitizen". The Part 2735 rulemaking also removes the 75 credit hour cap on the use of MAP benefits at the freshman or sophomore level, but advises students that exceeding this cap may leave the student with

insufficient remaining eligibility for the hours required to complete a baccalaureate degree. (Total MAP eligibility is limited to 135 credit hours.)

Questions/requests for copies/comments through 9/23/19: Jackie Eckley, ISAC, 500 W. Monroe St., 3<sup>rd</sup> Fl., Springfield IL 62704, 217.782-5161, [jackie.eckley@illinois.gov](mailto:jackie.eckley@illinois.gov)

## Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The Department of Insurance rulemakings will be considered at the August 13, 2019 JCAR meeting; other listed rulemakings will be considered at the September 17, 2019 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 INSURANCE

Managed Care Reform & Patient Rights (50 IAC 4520; 42 Ill Reg 17521) proposed 10/5/18

Health Carrier External Review (50 IAC 4530; 42 Ill Reg 20226) proposed 11/16/18

### IL HOUSING DEVELOPMENT AUTHORITY

State Housing Appeals Board (47 IAC 395; 43 Ill Reg 6712) proposed 6/7/19

### POLLUTION CONTROL BOARD

General Provisions (35 IAC 401; 43 Ill Reg 4730) proposed 4/26/19

Definitions (35 IAC 402; 43 Ill Reg 4737) proposed 4/26/19

NPDES Permits (35 IAC 403; 43 Ill Reg 4749) proposed 4/26/19

State Permits (35 IAC 404; 43 Ill Reg 4756) proposed 4/26/19

State and NPDES Permits (35 IAC 405; 43 Ill Reg 4766) proposed 4/26/19

Mine Waste Effluent and Water Quality Standards (35 IAC 406; 43 Ill Reg 4781) proposed 4/26/18

### SECRETARY OF STATE

Secretary of State Standard Procurement (44 IAC 2000; 43 Ill Reg 6158) proposed 5/24/19

## Joint Committee on Administrative Rules

**Senator Don Harmon, *co-chair***

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**Senator Kimberly Lightford**

**Representative Michael Halpin**

**Senator Tony Muñoz**

**Representative Frances Ann Hurley**

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Executive Director**