

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.

Proposed Rulemakings

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 43 Ill Reg 10771) implementing Public Act 101-54, which updated the SERS disability program. References to age 65 as the universal Social Security retirement age have been replaced with "Social Security full retirement age" (at least age 66 for persons born from 1943 to 1959; 67 for persons born in 1960 or later) for purposes of determining the Social Security offset amount. Licensed healthcare professionals (currently, licensed physicians) may certify disability. Effective 1/1/19, the limitation on earnings from gainful employment (if the beneficiary earns more than this amount, his or her disability

benefits are suspended) is raised from \$2,490 to \$3,660 per calendar quarter. However, "gainful employment" for this purpose does not include income derived from passive investments or money earned from income producing activities or opportunities that the System member had prior to the onset of his or her disability. The

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rulemaking also clarifies how survivor's benefits will be calculated if two or more survivors of a Tier 2 System member (initially hired on or after 1/1/11) are eligible to receive survivors' annuities.

Questions/requests for copies/comments through 11/18/19: Jeff Houch, SERS, 2101 S. Veterans Parkway, P.O. Box 19255,

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New Rules

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM adopted amendments to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 43 Ill Reg 7615), effective 9/23/19, that allow the System to require benefit payments to be made by electronic deposit when a recipient's failure to cash paper checks has prompted suspension of benefits. Mandatory distributions required by federal tax law will be issued as single-sum benefits rather than as refunds. The rulemaking also simplifies the verification process for members who have served outside of the System by basing their salary and contributions on the first year of service in Illinois.

Questions/requests for copies: Cynthia Fain, TRS, 2815 W. Washington St., P.O. Box 19253, Springfield IL 62794-9243, 217/814-2041.

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.

Peremptory Rules

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 43 Ill Reg 10811), effective 9/20/19, implementing a collective bargaining agreement (Master Contract) between the State and the American Federation of State, County and Municipal Employees (AFSCME) effective 7/1/15 through 6/30/23. The agreement retroactively covers the 2015-2019 period during which a previous contract had expired and had not been replaced by a new contract. Effective 6/30/19, affected employees are provided a one-time stipend of \$2,500, prorated by 25% for each year the affected employee worked between 7/1/15 and 6/30/19. Pay rates for beginning employees (Steps 1a, 1b and 1c) are increased by \$25/month. General pay increases of 1.5% effective 1/1/20; 2.1%

effective 7/1/20; 3.95% effective 7/1/21; and 3.95% effective 7/1/22 are included. Effective 1/1/18, employees will no longer receive maximum security pay if they do not work at a maximum security facility. Other provisions address compensatory time, lunch provisions, “red circled” rates (pay rates determined by negotiation or arbitration outside of the normal step progression), and other issues, some of which are specific to certain bargaining units. More than 35,000 State employees represented by AFSCME are affected by this peremptory rule.

Questions/requests for copies: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, CMS.PayPlan@illinois.gov

SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted peremptory

amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 43 Ill Reg 11035) effective 10/1/19, reflecting 2020 cost of living adjustments. Maximum monthly benefits are increased by \$2 to \$9/month based on household size. Net monthly income standards are increasing by \$28 to \$88/month, and gross monthly income standards by \$36 to \$175/month. The standard, shelter and utility deductions are also being increased. The standard medical deduction (for households not claiming itemized actual medical expenses) for elderly or disabled persons not living in group homes or supportive living facilities is decreasing by \$45, from \$210 to \$165/month.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Proposed Rulemakings

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Springfield IL 62794, 217/524-8105, fax 217/557-3943, jeff.houch@srs.illinois.gov

LIQUOR LICENSEES

The ILLINOIS LIQUOR CONTROL COMMISSION proposed an amendment to the Part titled The Illinois Liquor Control Commission (11 IAC 100; 43 Ill Reg 10763) giving the Commission authority to authorize transfers of alcohol between retail licensees (generally prohibited) on a case-by-case

basis. Requests for these transfers must be submitted to the Commission on approved forms at least 10 business days in advance unless the transfer is due to an “imminent act of god” (e.g., a flood or other disaster), in which case the request may be submitted at any time prior to the transfer. The Commission may consider factors such as unforeseeable circumstances beyond the control of the licensee; whether the licensee is facing bankruptcy or temporary or permanent closure; and whether a new, non-common ownership licensee plans to take

possession of the closing licensee’s current inventory. The rulemaking also clarifies that “retail licenses” include licenses granted to caterers, special event/non-profit retailers, railroads, boats, airplanes, winemakers, and brew pubs. Small businesses and non-profits that sell or serve alcoholic beverages may be affected.

Questions/requests for copies/comments through 11/18/19: Pamela Paziotopoulos, LCC, 100 W. Randolph St., Suite 7-801, Chicago IL 60601, 312/814-1804.

Emergency Rule

VETERANS' GRANTS

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted an emergency amendment to Illinois Veteran Grant (IVG) Program (23 IAC 2733; 43 Ill Reg 10804) effective 9/18/19 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 43 Ill Reg 10789. The emergency and proposed rules implement Public Act 101-334, effective 7/1/19,

which expands eligibility for Veteran Grants to include veterans who do not meet existing IVG residency requirements (must have lived in IL or been enrolled at an IL public college/university at the time of entering active duty federal service, or established IL residency within 6 months after leaving active duty) but have been IL residents for at least 15 consecutive years since leaving active duty. ISAC may request documents in addition to or in place of those listed in rule (e.g.,

driver's license, college transcripts) in order to establish an applicant's residency if the applicant's discharge documents (DD 214) do not indicate IL residency at the time of enlistment or discharge.

Questions/requests for copies/comments on the proposed rulemaking through 11/18/19: Jackie Eckley, ISAC, 500 W. Monroe St. 3rd Fl., Springfield IL 62704, 217/782-5161, 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. Rulemakings of the Departments of Agriculture, Natural Resources, and Public Health will be considered at the October 8, 2019 JCAR meeting, while the Department of Revenue rulemaking will be considered at the November 12, 2019 meeting. Other items not listed in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be sent to JCAR using the contact information on page 1.

DEPT OF AGRICULTURE

Meat and Poultry Inspection Act (8 IAC 125; 43 Ill Reg 7323) proposed 7/5/19

DEPT OF NATURAL RESOURCES

General Definitions (62 IAC 1701; 42 Ill Reg 23587) proposed 12/21/18

Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction (62 IAC 1703; 42 Ill Reg 23620) proposed 12/21/18

Requirements for Permits and Permit Processing (62 IAC 1773; 42 Ill Reg 23624) proposed 12/21/18

Revision; Renewal; and Transfer, Assignment or Sale of Permit Rights (62 IAC 1774; 42 Ill Reg 23636) proposed 12/21/18

Permit Applications-Minimum Requirements for Legal, Financial, Compliance, and Related Information (62 IAC 1778; 42 Ill Reg 23643) proposed 12/21/18

DEPT OF PUBLIC HEALTH

Hospital Licensing Requirements (77 IAC 250; 43 Ill Reg 7919) proposed 8/2/19

DEPT OF REVENUE

Practice and Procedure for Hearings Before the Illinois Department of Revenue (86 IAC 200; 43 Ill Reg 7379) proposed 7/5/19