

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Hospital Licensing Requirements (77 IAC 250; 49 Ill Reg 2901) implementing Public Act 103-784, which amends the Hospital Emergency Services Act (HESA) with regard to emergency treatment of pregnancy complications. The PA and the rulemaking include in the definition of an injury or acute medical condition liable to cause death, severe injury or serious illness (for which hospitals are obligated by State and federal law to provide emergency services, including screening and stabilizing treatment) instances in which a pregnant patient is experiencing an ectopic pregnancy, complications of pregnancy loss, risks to future fertility, previable preterm premature rupture of membranes, or emergent hypertensive disorders such as preeclampsia. Stabilizing treatment in these instances includes, but is not limited to, abortion when "necessary

to resolve the patient's injury or acute medical condition that is liable to cause death, severe injury or serious illness". The rulemaking also provides that DPH will investigate alleged violations of the HESA and may impose a minimum fine of \$50,000 per violation if the hospital is not also cited for a violation of the federal

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Emergency Medical Treatment and Active Labor Act (EMTALA). Factors DPH will consider in determining whether to impose a fine, and the amount of the fine, include the degree of harm suffered by the patient; whether the hospital has previously violated the HESA; whether the patient was transferred without documentation by the transferring physician that the benefits of a transfer outweighed the risks; whether staff and employees were properly trained regarding their duties

under the HESA; and whether the hospital demanded payment or proof of prior authorization or insurance coverage prior to screening or stabilizing treatment.

HEALTH CARE PROFESSIONALS

DPH proposed amendments to State Loan Repayment Program Code (77 IAC 582; 49 Ill Reg 3006) that add pharmacists to the list of health care professionals eligible for educational loan repayment, define the Part's underlying statute (the Underserved Healthcare Provider Workforce Act) and cross reference statutory definitions for various terms. Full-time clinical practice of at least 40 hours per week must include at least 32 hours spent in direct patient care, while half-time practice of 20-39 hours per week must include at least 16 hours of direct patient care. Health care professionals who initially

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.
PROPOSED RULEMAKINGS: Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.
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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.
QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.
RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Proposed Rulemakings

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commit to working half time for a 4-year term in a Health Professional Shortage Area or profession will receive a maximum of \$25,000 (currently \$50,000) toward repayment of their student loans. Professionals who initially make a 2-year commitment to clinical practice in an HPSA may extend their commitment for up to 4 additional years (6 total) and receive an additional \$20,000 (full time) or \$10,000 (half time) in assistance for the 3rd and 4th years of service, and an additional \$10,000 (full time) or \$5,000 (half time) in assistance for the 5th and 6th years. Initial applications for the loan repayment program will be accepted from Aug. 1 through Sept. 30 annually; if funding is not exhausted, subsequent applications will be accepted from Jan. 1 through 31 and (if funding remains available) from April 1 through 30. Applications with the earliest submission dates will be given priority if all other considerations (financial need, length and type of service commitment, etc.) are equal. Notification of application approval or denial will be made electronically (currently, by regular mail "or other communication"). A professional who resigns from their current medical facility and does not assume employment at another facility approved by DPH will be in breach of their loan repayment agreement. Those affected by this rulemaking include physicians, advanced practice registered nurses, physician assistants, dentists, pharmacists, and other healthcare professionals enrolled in the DPH loan repayment program.

• HEALTHCARE WORKERS

DPH proposed amendments to Health Care Worker Background Check Code (77 IAC 955; 49 Ill Reg 3028) implementing PAs 102-538, 103-428 and 103-1032. The rulemaking updates the statutory definition of "direct care" to state that the entity responsible for inspecting, licensing, certifying or registering a health care employer may prescribe guidelines in administrative rule for the employers it regulates regarding how to define a direct care employee. Comprehensive Community Mental Health Centers (CCMHCs) certified by the Department of Human Services are added to the list of health care employers subject to the Health Care Worker Background Check Act and this Part. Employment verifications must be submitted for contracted and subcontracted workers (in addition to employees) at least annually. The rulemaking also requires employers to retain a screen print in an employee's file showing whether the employee has received a waiver from any disqualifying criminal convictions or administrative findings. Health care employers subject to the Background Check Act are affected.

BIRTH CENTERS

DPH proposed an amendment to Birth Center Licensing Code (77 IAC 264; 49 Ill Reg 2918) implementing Public Acts 103-160 and 103-605. The PAs and this rulemaking require birth centers with obstetrical service beds to inform parents of newborns of the option to donate breast milk to nonprofit human milk banks accredited by the Human Milk Banking Association of North America. This information may be provided in writing or electronically, and birth centers may distribute information provided directly from the Association. DPH also proposed repeal of the Part titled Birth Center Demonstration Program Code (77 IAC 265; 49 Ill Reg 2924)

since birth centers no longer operate as a demonstration program under the Alternative Health Care Delivery Act and are now regulated under 77 IAC 264.

HMOs

DPH proposed an amendment to Health Maintenance Organizations Code (77 IAC 240; 49 Ill Reg 2895) that aligns the Part more closely to statute. With regard to examinations of an HMO and its contracted providers, DPH will consider, in addition to factors already listed in rule, whether the HMO has met its obligation to provide coverage to enrollees; the HMO's ability to provide for or arrange basic health services; and the HMO's ability to meet its contractual obligations to providers. DPH will determine what constitutes a material violation of a contract or evidence of coverage, or what constitutes good faith regarding certification.

Questions/requests for copies/comments on the 6 DPH rulemakings through 4/28/25: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

• PROFESSIONAL LICENSING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Parts titled Illinois Architecture Practice Act of 1989 (68 IAC 1150; 49 Ill Reg 2575), Registered Interior Designers Act (68 IAC 1255; 49 Ill Reg 2612), Illinois Professional Land Surveyor Act of 1989 (68 IAC 1270; 49 Ill Reg 2621) and The Professional Engineering Act of 1989 (68 IAC 1380; 49 Ill Reg 2659) that increase initial licensing, renewal and other fees and align other requirements among these Parts.

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Proposed Rulemakings

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Fees

The amendments raise the initial license application fee for all 4 professions from \$100 to \$175 and the initial registration fee for a professional design firm from \$75 to \$150. Renewal fees are \$125 (currently, \$30 per year) for individual licensees and \$150 for professional design firms. Fees for restoration of a lapsed license or registration cannot exceed \$425 for an individual or \$500 for a design firm. Additional fees may be imposed for dishonored checks or for continuing to practice without paying renewal or other fees. Also, a \$25 fee will be charged for changing a professional design firm's business type, services offered, or the name of its managing agent. Fees may be waived in individual instances where DFPR finds they would be excessively burdensome.

Foreign Applicants

Passage of the Test of English as a Foreign Language-Internet Based Test (TOEFL-iBT) is no longer required for applicants who completed their training outside the U.S. and whose first language is not English, but applicants from foreign countries may be required to take the applicable licensing or registration exam for their profession in order to verify satisfactory knowledge of U.S. construction and other standards.

Inactive Status

Professional design firms that are not currently doing business in Illinois may request inactive status (currently, only individual licensees/registrants may do so). If inactive status is granted, the firm will not be obligated to pay any licensing, registration or renewal fees until it resumes active status.

Architects

The Part 1150 rulemaking also specifies that when a licensure applicant passes any one of the 6 divisions of the National Council of Architectural Registration Boards (NCARB) Architecture Registration Exam (ARE), the passing score for that section shall remain valid as long as that version of the test, and the next version, remain in use. If all divisions of the ARE are not completed before the next version ends, the applicant must retake the entire test. (These requirements replace NCARB's 5-year "rolling clock" timeframe for exam completion.) The 24 required continuing education (CE) hours, of which 16 core hours must be in health, safety and welfare related subjects, for license renewal may be completed in person or virtually. The 16 core hours must include one hour of sexual harassment prevention training and, for renewals after 11/30/24, one hour on design practices to resist high winds and other natural disasters. Other provisions expand and clarify various paths to licensure by endorsement and remove a requirement that 2/3 of a design firm's board consist of design professionals.

Interior Designers

Amendments to Part 1255 additionally allow applicants 3 (currently 2) years to submit all items required for registration, aligning this requirement with those for architects, surveyors, and engineers.

Surveyors

The Part 1270 rulemaking also clarifies that foreign applicants may seek licensure by endorsement but may be required to pass exams or submit National Council of Examiners for Engineering and Surveying (NCEES) records in lieu of transcripts. Land surveying programs at Southern Illinois University, Edwardsville and the University of Maine have been

added to the list of approved programs. If a licensee is unable to complete a project due to death, incapacity, termination of employment or relocation, a successor licensee may take charge of the project and will be responsible for completing and verifying all documents.

Engineers

Amendments to Part 1380 also allow applicants from foreign countries to apply up to 2 (currently 4) years' experience toward licensure. (At least 4 years' experience is required for licensure as a professional engineer; persons who have earned engineering degrees from approved programs but do not yet have the required experience are enrolled as engineer interns.) Other provisions clarify how Part II of the examination for professional engineering licensure must be completed. The fee for enrollment as an engineer intern is raised to \$55 (currently \$20). Applicants have 3 years to submit all required documents for licensure, after which they must submit a new application and fee. If a licensee is unable to complete a project due to death, incapacity, termination of employment or relocation, a successor licensee may take charge of the project and will be responsible for completing and verifying all documents.

▪ REAL ESTATE

DFPR proposed amendments to Real Estate License Act of 2000 (68 IAC 1450; 49 Ill Reg 2702) implementing various changes to the Act and removing obsolete requirements. The process of licensing brokers via reciprocity agreements with other jurisdictions is being replaced by an endorsement process allowing brokers licensed in other jurisdictions

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Proposed Rulemakings

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to obtain Illinois licensure by submitting required documentation (including any record of good standing or discipline in another jurisdiction) and fees, passing an Illinois-specific exam on brokerage laws, and completing a 30-hour pre-licensure endorsement course. Effective 1/1/26, DFPR will no longer grant broker or managing broker licenses by reciprocity, but licenses granted by reciprocity before that date will remain in effect and can be renewed according to existing rules. An updated statutory definition of "brokerage agreement" has been added, and all such agreements must be in writing. A sponsoring broker doing business under an assumed name is no longer required to obtain assumed business name registration in every county in which the broker does business. Self-sponsored managing brokers, education providers, and business entities (corporations, LLCs, partnerships, etc.) may now obtain virtual office licenses for a fee of \$200 for initial licensure and \$100 for renewals, in addition to any licensure or renewal fees currently charged. A license that has been expired for less than 2 years may be renewed by paying the required renewal fees and submitting proof of completion of required continuing education (CE). If a license has been expired for more than 2 years but less than 5 years, the holder must complete a reinstatement process. If a license has been expired for 5 years or more, the holder must apply for a new (initial) license. A leasing agent, broker or managing broker whose license expired while the licensee was in active duty military service or employed by DFPR is eligible to renew their license without paying lapsed

fees or completing CE requirements. A licensee whose license has been inactive or expired for more than 2 years, or who has completed a disciplinary term, may apply for reinstatement. Effective 7/1/25, the required CE curriculum for brokers will consist of 6 (currently 4) core hours, which must now include 2 hours of fair housing training, and 6 (currently 8) elective hours, which may include diversity, equity and inclusion training. For CE credit hours earned in another jurisdiction, licensees must pay a \$50 (currently \$25) fee with their application for recognition of these CE credits. Other provisions address the transition to the new CE requirements, brokerage agreements, and require that written residential listing agreements include an automatic expiration date or, for agreements lasting more than 1 year, the right of either party to terminate the agreement with 30 days' notice.

SOCIAL WORKERS

Finally, DFPR proposed an amendment to the Part titled Clinical Social Work and Social Work Practice Act (68 IAC 1470; 49 Ill Reg 2824) that adds federal agencies to the list of approved continuing education sponsors.

Questions/requests for copies/comments on the 6 DFPR rulemakings through 4/28/25: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax: 217-557-4451, Craig.Cellini@illinois.gov

• FORESTRY

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled Forestry Development Cost-Share Program (17 IAC 1536; 49 Ill Reg 2868) updating several programmatic details and increasing cost-share rates to current values. The

rulemaking clarifies that DNR may approve advance payment to a timber grower who has paid a vendor to complete a cost-share conservation practice if the practice is identified as a "priority practice" and the DNR Forester has verified its completion. Advance payments before a practice has been completed are not allowed. Cost-share payments for practices that cover less than an acre are permitted only if specifically approved by the State Forestry Development Act (FDA) Program Manager. Cost-share practice approvals for timber growers will be based on available funding allocated to each forestry district, and applications will be accepted on a quarterly basis only during January, April, July and October. Timber growers who have paid a timber harvest fee within two State fiscal years prior to approval of a conservation practice will receive priority in the application process. A timber grower must begin work on an approved cost-share practice within 6 months of approval (DNR may grant a maximum of two 6-month extensions for good cause) or else the approval will be terminated and funds allocated to another grower. Flat rates and base costs for the following practices are also updated: development of forest management plans, planting trees or direct seeding, fencing to protect trees from livestock, timber stand improvement, pruning hardwood crop trees, creating firebreaks, erecting tree shelters or other measures to protect trees against damage by wildlife, installation of culverts, control of invasive/exotic species, and site preparation for natural regeneration (which may include prescribed burns). If the DNR Forester denies approval of a conservation practice, the grower may appeal directly to DNR (currently, to a regional review committee) and DNR has 60 (currently 30) days after

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Proposed Rulemakings

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receiving the appeal to render a final decision. Finally, if a grower breaks the cost-share agreement with DNR and is obligated to repay cost-share monies, repayment must be made within 30 days after receiving notice from DNR. Timber growers and other land owners participating in the DNR Forestry Program are affected.

Questions/requests for copies/comments through 4/28/25: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, dnr.rules@illinois.gov

NURSING HOMES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Reimbursement for

Nursing Costs For Geriatric Facilities (89 IAC 147; 49 Ill Reg 2835) implementing PA 103-102. The rulemaking increases the add-on rate for ventilator services from \$208 per day to \$481 per day effective 1/1/24. Also, for services provided on or after 1/1/24, the support component of a nursing facility's rate for facilities licensed under the Nursing Home Care Act as skilled or intermediate care facilities (SNF/ICF) is increased by 12% from the rate in effect on 6/30/23.

Questions/requests for copies/comments through 4/28/25: Kathy Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

▪ TOBACCO SALES

The OFFICE OF THE ATTORNEY GENERAL proposed an amendment to the Part titled Tobacco Products Manufacturers' Escrow Enforcement

Act of 2003 (14 IAC 250; 49 Ill Reg 2570) updating the contact information (mailing address and e-mail address) that distributors of tobacco products must use to submit their quarterly report forms. (Distributors are required to file quarterly reports with the OAG of the number and brands of cigarettes they have sold from manufacturers that are not participating in the master settlement agreement with major tobacco manufacturers.) Businesses that distribute and sell cigarettes may be affected.

Questions/requests for copies/comments through 4/28/25: Katherine Johnson (217-785-8541, katherine.johnson@ilag.gov) or Lee Ann Schoeffel (217-782-9070, lee.schoeffel@ilag.gov), OAG, 500 S. Second St., Springfield IL 62701.

Adopted Rules

MEDICAID LTC ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Assistance Programs (89 IAC 120; proposed at 48 Ill Reg 15183 and 15178), effective 2/26/25 at 49 Ill Reg 3055, combining two separately proposed rulemakings. This rulemaking implements Public Act 102-959, which exempts, effective 5/27/22, from countable assets (when determining medical assistance eligibility for long term care) existing life insurance policies that have been irrevocably assigned to payment of funeral or burial funds in compliance with Section 2b of the Illinois Funeral or Burial Funds Act. A contract must have been signed with a licensed funeral home, describing the type of goods and services to be provided upon the person's death, with annual adjustments for inflation. A person applying for medical assistance must additionally complete an Irrevocable Assignment of Benefits of Life Insurance Policy Form (HFS 3195) at the HFS website, stating that any funds not used for funeral goods and services will be paid to HFS, and any funds remaining after payment to the State (for the cost of medical assistance provided to the deceased person) will be paid to a secondary beneficiary (if named) or to the deceased person's estate. This rulemaking also implements Public Act 103-102, which increases the personal needs allowance for long term care residents (an amount they may keep for personal use after any other income they have is applied to the cost of their care) from \$30 to \$60 per month for individuals and \$60 to \$120 per month for couples.

VACCINATIONS

HFS also adopted an amendment to Medical Payment (89 IAC 140;

proposed at 48 Ill Reg 14451) effective 2/26/25 at 49 Ill Reg 3081, reflecting a federal policy and State Plan Amendment. This rulemaking provides that HFS, for dates of service on and after 10/1/23, will cover, without cost sharing, all adult vaccines approved by the U.S. Food and Drug Administration and administered in accordance with the recommendations of the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP). Since 1st Notice, HFS has clarified that both adult and child vaccines recommended by ACIP are covered without cost sharing.

Questions/requests for copies of the 3 HFS rulemakings: Kathy Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

INCOME TAX

The DEPARTMENT OF REVENUE adopted amendments to Income Tax (86 IAC 100; proposed at 48 Ill Reg 15762) effective 2/26/25 at 49 Ill Reg 3115, that reflect statutory changes and make various technical changes. New Sections have been added implementing the Reimagining Electric Vehicles (REV) Tax Credit created by PA 102-699 and the Manufacturing Illinois Chips for Real Opportunity (MICRO) Tax Credit established by PA 102-700. Provisions related to the New Construction EDGE (Economic Development for a Growing Economy) Agreements established by PA 101-9 are also added and provisions related to existing tax credits are updated. Finally, various Sections have been renumbered and cross references to those Sections have been updated. Businesses eligible for REV or MICRO

Tax Credits or other credits may be affected.

SALES & SERVICE TAXES

The DEPARTMENT OF REVENUE adopted amendments to Retailers' Occupation Tax (86 IAC 130; proposed at 48 Ill Reg 15268) and Service Occupation Tax (86 IAC 140; proposed at 48 Ill Reg 15283), both effective 2/26/25 at 49 Ill Reg 3180 and 3194, reflecting DOR procedures for filing sales and use taxes on aviation fuel. The Part 130 rulemaking requires aviation fuel sales and use taxes to be reported on a separate form from other sales and use taxes and gives instructions for filing aviation fuel tax forms. Discounts for the State portion of the aviation fuel tax may only be claimed if the tax was reported and paid electronically. An amendment to Part 140 incorporates the sales tax filing and payment instructions in Part 130 as instructions for filing the corresponding service occupation taxes.

DOR also adopted amendments to 18 other Parts, all effective 2/26/25, reflecting statutory exemptions of low-rate items and aviation fuel from local sales and service taxes: Home Rule County Retailers' Occupation Tax (86 IAC 220; proposed at 48 Ill Reg 15290, adopted at 49 Ill Reg 3201), Home Rule County Service Occupation Tax (86 IAC 230; proposed at 48 Ill Reg 15296, adopted at 49 Ill Reg 3207), Home Rule Municipal Retailers' Occupation Tax (86 IAC 270; proposed at 48 Ill Reg 15302, adopted at 49 Ill Reg 3213), Home Rule Municipal Service Occupation Tax (86 IAC 280; proposed at 48 Ill Reg 15308, adopted at 49 Ill Reg 3219), Regional Transportation Authority Retailers' Occupation Tax (86 IAC 320; proposed

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Adopted Rules

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at 48 Ill Reg 15314, adopted at 49 Ill Reg 3225), Regional Transportation Authority Service Occupation Tax (86 IAC 330; proposed at 48 Ill Reg 15321, adopted at 49 Ill Reg 3232), Metro East Mass Transit District Retailers' Occupation Tax (86 IAC 370; proposed at 48 Ill Reg 15327, adopted at 49 Ill Reg 3238), Metro East Mass Transit District Service Occupation Tax (86 IAC 380; proposed at 48 Ill Reg 15333, adopted at 49 Ill Reg 3244), Metro-East Park and Recreation District Retailers' Occupation Tax (86 IAC 395; proposed at 48 Ill Reg 15339, adopted at 49 Ill Reg 3250), Metro-East Park and Recreation District Service Occupation Tax (86 IAC 396; proposed at 48 Ill Reg 15345, adopted at 49 Ill Reg 3256), Motor Fuel Tax (86 IAC 500; proposed at 48 Ill Reg 15350, adopted at 49 Ill Reg 3261), Environmental Impact Fee (86 IAC 501; proposed at 48 Ill Reg 15367, adopted at 49 Ill Reg 3278), Special County Retailers' Occupation Tax for Public Safety (86 IAC 670; proposed at 48 Ill Reg 15371, adopted at 49 Ill Reg 3282), Special County Service Occupation Tax for Public Safety (86 IAC 680; proposed at 48 Ill Reg 15377, adopted at 49 Ill Reg 3288), Salem Civic Center Retailers' Occupation Tax (86 IAC 690; proposed at 48 Ill Reg 15383, adopted at 49 Ill Reg 3294), Salem Civic Center Service Occupation Tax (86 IAC 691; proposed at 48 Ill Reg 15388, adopted at 49 Ill Reg 3299), Non-Home Rule Municipal Retailers' Occupation Tax (86 IAC 693; proposed at 48 Ill Reg 15393, adopted at 49 Ill Reg 3304) and Non-Home Rule Municipal Service Occupation Tax (86 IAC 694; proposed at 48 Ill Reg 15401, adopted at 49 Ill Reg 3312). These rulemakings reflect Public Acts 100-117, 101-10, and 101-604 exempting aviation fuel from these taxes and providing new references regarding the low-rate items. Additionally, the

amendments to Parts 320 and 330 reflect PA 103-781, effective 8/5/24, with regard to changes in grocery sales tax. The Part 500 rulemaking also clarifies how to calculate the rate of future increases in motor fuel tax based on the Consumer Price Index and extends the tax on leaking underground storage tanks through 12/31/29. Amendments to Part 501 additionally extend the environmental impact fee through 12/31/29 and update other sunset dates. Finally, the Parts 693 and 694 rulemakings also reflect PA 103-781 by removing a requirement that these taxes be approved by a local referendum before being imposed. Those affected by these rulemakings include units of local government and sellers of aviation fuel, motor fuel, groceries and other items exempt from these taxes.

Questions/requests for copies of the 21 DOR rulemakings: Part 100, Jennifer Uhles; all other Parts, Kimberly Rossini; DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, REV.GCO@illinois.gov

UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM adopted amendments to the Part titled Universities Retirement (80 IAC 1600; proposed at 48 Ill Reg 10992) effective 2/26/25 at 49 Ill Reg 3321, that make various updates and clarifications. The rulemaking further clarifies the definition of an annuity payment period and implements changes in the Pension Code regarding System requests for information from members or employers that is necessary for proper operation of the System and accurate calculation of benefits. Employers who fail to comply with requests for information within 90 days are subject to a penalty of \$250 per day, up to a maximum penalty of \$25,000. System members (employees, retirees and

beneficiaries) who fail to comply with a request for information within 90 days may have their benefits suspended. SERS will determine whether to impose penalties based on factors such as whether the delay in providing information was beyond the employer's or the member's control, whether the employer or member was properly notified of the information request, and whether the employer or member has exhibited a previous pattern of non-compliance. Service time adjustments based on percentage of time employed each year will not apply to members who participate in SERS on or after 9/1/24. Pensionable earnings do not include increases paid in an academic year beginning on or after 7/1/20 if the increase was due to overload work carried over from a previous academic year in which an emergency declaration prevented the employer from offering overload work or allowing such work to be performed. Other provisions establish acceptable documentation for birth dates, marital status, military records, and evidence of parentage (for benefits payable to children); replace the 6/30/24 deadline for pension buyout applications with a cross reference to the deadline set in the Pension Code (previously, 6/30/26); waive repayment of overpayments of \$1 or less per month or \$10 or less in any lump sum; clarify that forfeiture of benefits due to work-related felonies begins only after judgment or conviction of a felony, and that the member will be entitled to a refund of all member contributions to the System, but will not be refunded any employer contributions; extend provisions for disability benefits due to accidents to campus police officers who qualify for line-of-duty disability benefits; add provisions for disability benefits claims procedures; and allow electronic signatures.

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Adopted Rules

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

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM adopted amendments to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; proposed at 48 Ill Reg 14939) effective 3/3/25 at 49 Ill Reg 3382, that remove references to annual employer reports (which are now submitted on a pay period basis) and clarify what documentation is needed to verify that an absence from duty without loss of pay may be counted as creditable service. Other provisions clarify requirements for extra duties

performed by TRS members to be recognized as creditable service; add references to IRS Section 529 savings plans; explain TRS' current practice for administering partial refunds due to an alternate payee under a Qualified Illinois Domestic Relations Order (QILDRO; typically used to divide pension benefits between divorced spouses); and clarifying that QILDROs do not apply to a member's Supplemental Savings Plan (SSP) account, unless an SSP QILDRO is issued by the court. Since 1st Notice, TRS removed a provision concerning assessment of an employer's cost for sick leave granted in excess of the normal annual allotment.

Questions/requests for copies: Cynthia Fain, TRS, 2815 W. Washington St., PO Box 19253, Springfield IL 62794-9243, 217-814-2041, cfain@trsill.org

PCB PUBLIC INFORMATION

The POLLUTION CONTROL BOARD adopted amendments to Organization, Public Information, and Types of Proceedings (2 IAC 2175; 49 Ill Reg 3109) effective 2/28/25, updating the address of its Springfield office from 1021 N. Grand Ave. East, 62702, to 2520 W. Iles Ave., 62704. This rulemaking is a required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act and does not require First Notice publication, public comment, or JCAR review.

Questions/requests for copies: Vanessa Horton, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-5053, Vanessa.horton@illinois.gov. Please reference docket R25-20.

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 April 8, 2025 meeting in Springfield. 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 at jcar@ilga.gov.

IL GAMING BOARD

Riverboat and Casino Gambling (86 IAC 3000; 48 Ill Reg 17417) proposed 12/6/24

DEPT OF LABOR

Amusement Ride and Attraction Safety Act (56 IAC 6000; 48 Ill Reg 6438) proposed 5/3/24

DEPT OF PUBLIC HEALTH

Medically Complex for the Developmentally Disabled Facilities Code (77 IAC 390; 49 Ill Reg 85) proposed 1/3/25

Next JCAR Meeting: Tuesday, April 8, 10:30 a.m.

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield
Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair
Senator Cristina Castro
Senator Donald DeWitte
Senator Dale Fowler
Senator Napoleon Harris, III
Senator Sally Turner

Representative Ryan Spain, Co-Chair
Representative Eva-Dina Delgado
Representative Jackie Haas
Representative Steven Reick
Representative Curtis Tarver, II
Representative Dave Vella

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