

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

■ DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to Illinois Safety Responsibility Law (92 IAC 1070; 42 Ill Reg 6601), effective 8/23/18, establishing a procedure for courts to notify SOS when an order has been entered concerning an unsatisfied judgment against an uninsured motorist who has been involved in an accident. Courts must notify SOS when an installment payment agreement has been made, when a defendant defaults on an installment agreement, or when a judgment has been vacated or released upon payment in full. The rulemaking also removes references to a repealed statute.

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

■ INVESTMENT CREDITS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to Angel Investment Credit Program (14 IAC 531; 42 Ill Reg 5932), effective 8/21/18, implementing Public Act 100-328, which extends the tax credit program through 12/3/21. The rulemaking replaces the term

Emergency Rule, Page 3

“angel investment” (an investment in a qualified business venture in exchange for stock, or a partnership or ownership interest in the new venture, which is at risk of loss if the business fails) with “investment” and further defines a “contingent equity investment” as an investment that matures or converts to equity within 3 years.

(cont. page 2)

Proposed Rulemakings

■ TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 42 Ill Reg 16477) implementing a provision of Public Act 100-587. The rulemaking establishes when an employer (e.g., school district) is subject to an excess cost threshold of 3% rather than 6% and explains how the employer contribution to the affected System member's pension is determined. (The excess cost threshold determines when the school district, rather than TRS, must provide the additional System contributions needed to cover the corresponding increase in a teacher's pension generated by a salary increase in excess of the threshold. The threshold is

(cont. page 3)

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

(cont. from page 1)

New criteria for qualifying business ventures include minimum Illinois employment thresholds of at least 51% of current employee positions and at least 75% of employee positions created following receipt of the investment. These thresholds must be maintained for at least 3 years after the last tax credit certificate is issued to anyone claiming the credit for investment in that business. An investment is not eligible for the tax credit if it includes unreasonable risk mitigation provisions that eliminate or greatly reduce the risk of investment loss (e.g., measures insuring that investors will be paid first in the event the venture is liquidated). To qualify for the credit, an investor must invest a minimum of \$10,000, or up to a maximum of \$2 million, in any single qualified new business venture. From the annual cap of \$10 million in Statewide program tax credits that may be claimed, \$500,000 will be allocated to investments in ventures owned by minorities, women, or persons with disabilities and another \$500,000 allocated to investments in ventures whose principal place of business is in a county with a population of 250,000 or less. Other provisions address liquidity events (in which equity holders may cash out all or part of their investments), allocation and rollover of credits by calendar quarter, tracking and reporting procedures for the credit, actions that constitute noncompliance by a credit

claimant or a qualified business, and the definition of full-time employee. Those affected by this rulemaking include prospective investors in small businesses that qualify for the program.

Questions/requests for copies: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, fax 217/524-3701, jolene.clarke@illinois.gov.

■ ACUPUNCTURISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Acupuncture Practice Act (68 IAC 1140; 42 Ill Reg 8683), effective 9/7/18, reflecting the sunset reauthorization and update of the Act (PA 100-375). The rulemaking adds herbal therapy to the scope of practice; revises licensure requirements for applications submitted on or after 1/1/20; prescribes curriculum requirements for 4-year acupuncture study programs, including instruction in Oriental herbal medicine; and eliminates fees for issuance of a duplicate license or wall certificate. Since 1st Notice, DFPR has removed a provision stating that acupuncture licensees who incorporate herbal medicinals or supplements in their practice will be held to the same competency standard as licensees who have completed a 4-year program that includes Oriental herbal studies. Other changes correct the amount of training in Oriental herbal studies required in a 4-year program (450 hours, rather

than 660 hours), restore a definition of acupuncturist that had been proposed for removal, and clarify the definitions of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) and National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). Acupuncturists and acupuncture education programs are affected.

SAVINGS BANKS

DFPR also adopted amendments to the Part titled Savings Bank Act (38 IAC 1075; 42 Ill Reg 8102), effective 8/23/18, implementing Public Act 100-232, which aligns regulations for savings banks and State banks. The rulemaking eliminate hourly examination fees for savings banks and align quarterly supervisory fees and electronic data processing fees with those charged to State banks.

Questions/requests for copies of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

Proposed Rulemakings

(cont. from page 1)

intended to discourage school districts from spiking teacher pensions by granting large salary hikes just before retirement.) Other provisions address situations in which collective bargaining agreements or contracts provide exemptions from employer contributions and under what conditions these exemptions will be revoked or expire. For System members not covered by collective bargaining agreements, exemptions from employer contributions are permitted if the policy was in effect prior to 6/4/18. School districts will be affected by this rulemaking.

Questions/requests for copies/comments through 10/22/18: Marcilene Dutton, TRS, 2815 W. Washington St., P.O. Box 19253, Springfield IL 62794-9253, 217/814-2041.

PCB REPEALER

The POLLUTION CONTROL BOARD proposed repeal of the Part titled Operation and Record Keeping (35 IAC 607; 42 Ill Reg 16472). IEPA states that the two Sections remaining in this Part

■ ID/DD FACILITIES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an emergency amendment to Long Term Care Reimbursement Changes (89 IAC 153; 42 Ill Reg 16562) effective 8/27/18 for a maximum of 150 days. A companion proposed rulemaking appears in this week's *Illinois Register* at 42 Ill Reg 16462. Both rulemakings implement Public Act 100-587 (Fiscal Year 2019 Budget Implementation) which increases per diem rates effective 7/1/18 for residential facilities for the intellectually disabled/developmentally disabled in an amount sufficient to raise wages for front-line personnel by 54 cents per hour at facilities in the City of Chicago and 50 cents an hour elsewhere. Additional

will be replaced in a new and more comprehensive Part (35 IAC 604) titled Design, Operation and Maintenance Criteria.

Questions/requests for copies/comments through 10/22/18:

Emergency Rule

provisions that are only in the proposed rulemaking raise the per diem rate for ID/DD facilities with more than 16 beds located in the Department of Public Health's Planning Area 7-B (Evanston, Maine, New Trier, Niles and Northfield townships in Cook County) by \$21.15, and clarify that a 75 cents per hour wage increase implemented in 2017 for ID/DD and Medically Complex for the Developmentally Disabled (MC/DD) facility staff applies to per diem and developmental training rates. ID/DD facilities are affected by these rulemakings.

Questions/requests for copies/comments on the proposed rulemaking through 10/22/18: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, HFS.Rules@illinois.gov

Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Please reference docket R18-17. Comments may also be filed through the Clerk's Office On-Line at <https://pcb.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 Committee's September 18, 2018 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 NATURAL RESOURCES

White-Tailed Deer Hunting By Use of Bow and Arrow
(17 IAC 670; 42 Ill Reg 12526) proposed 7/6/18

DEPT OF STATE POLICE

Imaging Products (20 IAC 1298; 42 Ill Reg 12934) proposed 7/6/18

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Peter Breen

Senator Karen McConnaughay

Representative Barbara Flynn Currie

Senator Don Harmon

Representative Tom Demmer

Senator Tony Muñoz

Representative Greg Harris

Senator Ira Silverstein

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler

Vicki Thomas
Executive Director