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Joint Committee on Administrative Rules  
Illinois General Assembly

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*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.*

## Emergency Rules

### ■ COMMERCIAL DRIVERS

The DEPARTMENT OF TRANSPORTATION adopted an emergency amendment to Qualification of Drivers (92 IAC 391; 42 Ill Reg 21464) effective 11/19/18 for a maximum of 150 days. A companion proposed rulemaking appears in this week's *Illinois Register* at 42 Ill Reg 20939. These rulemakings implement a recent change to Federal Motor Carrier Safety Administration (FMCSA) rules (83 FR 47486, effective 11/19/18) that allows certified medical examiners to issue medical examiner certificates (MECs) to persons with diabetes whose condition is controlled with a stable insulin regimen, thereby allowing them to operate commercial motor vehicles in interstate commerce. (Formerly, MECs could not be issued to insulin-dependent diabetics.) The emergency and proposed

rules apply this change to intrastate drivers who would otherwise have been prohibited from operating commercial vehicles within Illinois. Additionally, the proposed rule incorporates other FMCSA amendments adopted since 10/1/14. Commercial drivers and their employers are affected by these rulemakings.

Questions/requests for copies/ comments on the proposed rulemaking through 1/14/19: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Springfield IL 62764.

### STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM adopted emergency amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540;

(cont. page 2)

## New Rules

### ■ WASTE DISPOSAL

The POLLUTION CONTROL BOARD adopted amendments to the following 8 Parts: RCRA and UIC Permit Programs (35 IAC 702; 42 Ill Reg 9633), RCRA Permit Program (35 IAC 703; 42 Ill Reg 9672); UIC Permit Program (35 IAC 704; 42 Ill Reg 9774), Procedures for Permit Issuance (35 IAC 705; 42 Ill Reg 9856), Hazardous Waste Management System: General (35 IAC 720; 42 Ill Reg 9892), Solid Waste Disposal: General Provisions (35 IAC 810; 42 Ill Reg 12782), Standards for New Solid Waste Landfills (35 IAC 811; 42 Ill Reg 12807) and Information to be Submitted in a Permit Application (35 IAC 812; 42 Ill Reg 12914), all effective 11/19/18. These rulemakings are part of a consolidated PCB docket correcting and updating

(cont. page 2)

**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.

# Emergency Rules

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(cont. from page 1)

42 Ill Reg 21436) effective 11/13/18 for a maximum of 150 days. The emergency rule implements provisions of Public Act 100-587 creating two accelerated pension benefit payment programs. One program allows Tier 1 SERS members (hired before 1/1/11) who retire prior to 6/30/21 to forgo a 3% compounded automatic annual increase (AAI) in exchange for a 1.5%, non-compounded AAI beginning on Jan. 1 following their 1<sup>st</sup> anniversary of retirement, or on their 67<sup>th</sup> birthday, whichever is later. SERS 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 allows inactive members with enough 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 must be submitted no later than 6/1/21 and only service credit earned under SERS may be used to determine eligibility. Persons who receive proportional annuities from a reciprocal retirement system before 12/1/18, or who would be in violation of the minimum distribution requirements of the Internal Revenue Code if they

accept an accelerated payment, are not eligible for these programs. Persons who owe overpayments to SERS are also ineligible until their debt is paid in full. The emergency rule also includes accelerated benefits in Qualified Illinois Domestic Relations Orders (which divide pension benefits between divorced spouses) and authorizes SERS to correct overpayment or underpayment errors in an accelerated benefit.

Questions/requests for copies: Jeff Houch, SERS, 2101 S. Veterans Pkwy., P.O. Box 19255, Springfield IL 62794-9255, 217/524-8105, fax 217/557-3943, [jeff.houch@srs.illinois.gov](mailto:jeff.houch@srs.illinois.gov)

## Proposed Rulemaking

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### New Rules

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(cont. from page 1)

hazardous waste handling, underground injection control (UIC), and municipal solid waste landfill, storage, transport and disposal rules to align with federal EPA regulations approved during 2016 and 2017. Small businesses and small municipalities that dispose of or collect solid or hazardous waste may be affected by these rulemakings.

### WATER POLLUTION

PCB also adopted an amendment to Water Use Designation and Site-Specific Water Quality Standards (35 IAC 303; 42 Ill Reg 14468), effective

11/19/18, instituting a site-specific standard for dissolved nickel in the Sangamon River downstream from the City of Decatur water treatment plant to Riverton.

Requests for copies of the 9 PCB rulemakings: Part 303, Tim Fox (312/814-6085); Parts 702 through 812, Michael J. McCambridge (312/814-6924); PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference docket R14-24 for Part 303. For Parts 702 through 812, reference consolidated docket R17-14/R17-15/R18-11/R18-31. Copies of the Board's opinions and orders may be downloaded from the Board's website at <http://www.ipcb.state.il.us>.

### INSURANCE

The DEPARTMENT OF INSURANCE proposed an amendment to Summary Document and Disclaimer (50 IAC 3401; 42 Ill Reg 20934) updating the Notice of Protection provided by the Illinois Life and Health Insurance Guaranty Association to reflect the inclusion of health maintenance organizations in the Association and to update the Association's address.

Questions/requests for copies/ comments through 1/14/19: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-0957.

## 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 December 11, 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 AGRICULTURE

Standardbred, Thoroughbred, and Quarter Horse Breeding and Racing Programs, Illinois (8 IAC 290; 42 Ill Reg 15390) proposed 12/26/17

### DEPT OF INSURANCE

Prior Notification of Transactions (50 IAC 654; 42 Ill Reg 17316) proposed 10/5/18

Internal Security Standard and Fidelity Bonds (50 IAC 904; 42 Ill Reg 17329) proposed 10/5/18

Correlated Sales of Life Insurance and Mutual Funds (Repealer) (50 IAC 910; 42 Ill Reg 17336) proposed 10/15/18

Required Procedure for Filing and Securing Approval of Policy Forms (50 IAC 916; 42 Ill Reg 17342) proposed 10/5/18

Minimum Standards of Individual Accident and Health Insurance (50 IAC 2007; 42 Ill Reg 17349) proposed 10/5/18

Business Entities (Repealer) (50 IAC 3115; 42 Ill Reg 17489) proposed 10/5/18

Producer Licensing (50 IAC 3121; 42 Ill Reg 17493) proposed 10/5/18

Payment of Annual Compliance Fees for Pension Funds (50 IAC 4415; 42 Ill Reg 17497) proposed 10/5/18

Noncompliance Notification and Penalties (50 IAC 4435; 42 Ill Reg 7501) proposed 10/5/18

Navigator, In-Person Counselor and Certified Application Counselor Certification (50 IAC 4515; 42 Ill Reg 17506) proposed 10/5/18

## Joint Committee on Administrative Rules

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