

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

■ INCOME TAX

The DEPARTMENT OF REVENUE adopted amendments to Income Tax (86 IAC 100; 40 Ill Reg 5174, 6540 and 7297) effective 11/2/16, combining 3 separately proposed rulemakings. Provisions implementing PA 98-925 allow overpayments of tax to be directed to future liability without having to file a return solely for that purpose at the subsequent date. Other amendments provide guidance on the implementation of PA 98-478, which repealed the general authority partnerships and Subchapter S corporations formerly had to file composite returns for non-Illinois-resident partners and shareholders. The new rules for filing composite returns apply to tax years ending after 12/31/14. Partnerships and Subchapter S corporations may also report changes in Illinois

income tax liability and pay taxes owed by partners and shareholders for tax years ending on or after 12/31/08. Finally, this rulemaking provides examples of how to apportion income to Illinois for unitary businesses not filing a combined return. The lengthy examples address businesses with different fiscal years and those that involve partnerships. Some small businesses may be affected by this rulemaking.

Questions/requests for copies: Brian Stocker, DOR Legal Services, 101 W. Jefferson St, Springfield IL 62796, 217/ 782-2844.

Proposed Rulemakings

■ FIREFIGHTERS

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to Policy and Procedures Manual for Fire Protection Personnel (41 IAC 141; 40 Ill Reg 15482) updating firefighter certification requirements to match those of the National Fire Protection Association. The rulemaking adds new certification levels and removes obsolete ones; updates equivalency determination procedures for non-approved and out-of-State courses; eliminate obsolete bypass exam procedures; establish a web-based scheduling system through which OSFM can be notified of course times, locations and instructors; and establish an approval process for test facilities and proctors that administer State written exams. Local fire

(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) 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.

Proposed Rulemakings

(cont. from page 1)

departments and facilities that administer firefighter certification tests are affected by this rulemaking.

Questions/requests for copies/comments through 1/2/17: Deborah J. Williams, OSFM, 1035 Stevenson Drive, Springfield IL 62703-4259, 217/785-0978.

■ OIL & GAS

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 40 Ill Reg 15466) aligning DNR's procedures for step-rate testing of injection wells with federal guidance. (Step-rate tests

are used to determine the maximum possible injection rate for a hydraulic fracturing operation that can be sustained without damage to the geologic formation or to water supplies.) Operators and testers of injection wells are affected.

Questions/requests for copies/comments through 1/2/17: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-6379.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment to Pay Plan (80 IAC 310; 40 Ill Reg 15444) updating the pay rate table for boiler safety specialists

and boiler safety audit specialists employed by the Office of the State Fire Marshal and represented by the International Brotherhood of Boiler Makers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers. The new table lists each position by region (Northern, Central or Southern), date of hiring (before or on/after 12/1/13) and whether an alternative pension formula or maximum security rate applies to the position.

Questions/requests for copies/comments through 1/2/17: Jason Doggett, CMS, 504 William G. Stratton Bldg. Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov

JCAR Meeting Action

At its 11/15/16 meeting, the Joint Committee on Administrative Rules took the following actions:

RECOMMENDATION

With respect to the rulemaking of the Illinois Student Assistance Commission titled Illinois Prepaid Tuition Program (23 IAC 2775; 40 Ill Reg 12942), JCAR recommends that ISAC seek a statutory resolution to the conflict between Section 10 and Section 25(2) of the Illinois Prepaid Tuition Act [110 ILCS 979]. While one of these Sections allows ISAC to set a reasonable length of State residence for qualified beneficiaries, the other defines a qualified beneficiary as having been a resident of Illinois for at least 12 months. ISAC has removed from this rulemaking a provision that could be considered contrary to the more specific of these two statutes. However, a statutory clarification could help avoid similar issues in the future.

EXTENSION

JCAR and the Department of Healthcare and Family Services agreed to extend the Second Notice period for the rulemaking titled Medical Payment (89 IAC 140; 40 Ill Reg 9909) an additional 45 days. This rulemaking will be considered at the Committee's 12/13/16 meeting.

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 13, 2016 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.

STATE POLICE MERIT BOARD

Illinois State Merit Board Personnel Rules (80 IAC 160; 40 Ill Reg 9092) proposed 7/8/16

SECRETARY OF STATE

Regulations Under Illinois Securities Law of 1953 (14 IAC 130; 40 Ill Reg 441) proposed 1/15/16

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Tom Demmer

Senator Karen McConnaughay

Representative Greg Harris

Senator Don Harmon

Representative Lou Lang

Senator Tony Muñoz

Representative André Thapedi

Senator Ira Silverstein

Representative Michael Tryon

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**