

*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

### ■ AIRCRAFT

The DEPARTMENT OF TRANSPORTATION proposed amendments to Aviation Safety (92 IAC 14; 41 Ill Reg 15050) clarifying that unmanned aircraft (e.g., drones) are not subject to this Part; adding powered parachutes registered with the Federal Aviation Administration to the list of special purpose aircraft and subjecting their pilots and owners to State and federal special purpose aircraft regulations; correcting the cost of Federal Airman Certificates to match statute and raising the cost of a duplicate certificate from \$3 to \$5; adding and updating various definitions; updating citations to the Code of Federal Regulations; and updating DOT's contact information. Aircraft owners and operators are affected by this rulemaking.

Questions/requests for copies/comments through 1/29/18: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Rm. 317, Springfield IL 62764.

### ■ LIQUOR CONTROL

The ILLINOIS LIQUOR CONTROL COMMISSION proposed amendments to the Part titled The Illinois Liquor Control Commission (11 IAC 100; 41 Ill Reg 14998) that remove obsolete provisions regulating self-distribution by wine makers and craft brewers; hotel/motel mini bars and registration of wine tasting representatives, along with other obsolete provisions regarding administrative hearings and record-keeping; and remove requirements that a uniform admission price must be charged for a tasting/sampling

## Emergency Rulemakings

### ■ INCOME TAX

The DEPARTMENT OF REVENUE adopted an emergency amendment to Income Tax (86 IAC 100; 41 Ill Reg 15097) effective 11/30/17 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 41 Ill Reg 15041. This rule requires employers and payroll providers who withhold Illinois income tax to file W-2s and returns for withholding taxes electronically or with the magnetic media used for their federal income tax filings. This requirement can be waived for employers or payroll providers who do not have internet access.

Questions/requests for copies/comments on the proposed rulemaking through 1/29/18: Brian

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**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.

# Proposed Rulemakings

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event and that alcohol can only be delivered and sold at a local park district facility if the facility also has food service. Those affected by this rulemaking include wineries, craft breweries, liquor retailers and municipal parks.

Questions/requests for copies/comments through 1/29/18: Beverly Langenfeld, Illinois Department of Revenue, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

## PROPERTY TAXES

The DEPARTMENT OF REVENUE proposed an amendment to Property Tax Code (86 IAC 110; 41 Ill Reg 15043) that allows publication of property tax assessments for pollution control facilities, including low sulfur dioxide emission coal fueled devices, to take place on the DOR website

instead of in the official State newspaper.

Questions/requests for copies/comments through 1/29/18: Robin Gill, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

## OUTFITTERS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Outfitter Regulations (17 IAC 640; 41 Ill Reg 15011) removing from the definition of outfitting services subject to the Part individuals or businesses that merely solicit hunting clients for a landowner, tenant or another outfitter. The rulemaking also simplifies reporting requirements for outfitters and makes requirements for Class A (deer and turkey) and Class B (waterfowl) outfitter permits consistent. Outfitters, their employees and clients are affected by this rulemaking.

Questions/requests for copies/comments through 1/29/18: Javonna Ackerman, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-0126.

## EMERGENCY CENTERS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Freestanding Emergency Center Code (77 IAC 518; 41 Ill Reg 15034) that change the following criteria for licensure as a freestanding emergency center (FEC): location in a municipality with fewer than 50,000 (currently, 75,000) residents and within 50 (currently, 20) miles of the affiliated hospital. An FEC also must limit the number of patients it receives by ambulance in accordance with its 24-hour capabilities and pre-approval by the local EMS Director and DPH. Freestanding emergency centers and ambulance services that serve them are affected by this rulemaking.

# Emergency Rulemakings

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Fliflet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

## EDGE TAX CREDITS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY, in response to a JCAR Objection, adopted a modification to an emergency rulemaking titled Economic

Development for a Growing Economy Program (EDGE) (14 IAC 527; 41 Ill Reg 13104) effective 11/30/17 for the remainder of the 150-day term of the emergency rule. The modification removes the 2-year look back from two criteria used to define an “underserved area”: level of participation in the federal free/reduced price school lunch program and level of participation in SNAP. Applicants for EDGE tax credits are affected.

## DD FACILITIES

DPH also proposed an amendment to Long-Term Care for Under Age 22 Facilities Code (77 IAC 390; 41 Ill Reg 15022) removing a requirement that license application and renewal forms include the Social Security numbers for all owners of the facility or building in which the facility is located. Other changes align the language of the rule more closely with statute.

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## Proposed Rulemakings

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Questions/requests for copies/comments on the 2 DPH rulemakings through 1/29/18: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

### ■ DFPR REPEALER

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed repeal of the Part titled

Illinois Athlete Agents Act (68 IAC 1155; 41 Ill Reg 14989) because the underlying statute was repealed by Public Act 100-534 and this profession is no longer regulated by DFPR. Athlete agents (who recruit and contract student athletes seeking to become professional athletes) are affected.

Questions/requests for copies/comments through 1/29/18: Craig Cellini, DFPR, 320 W. Washington St., 3<sup>rd</sup> Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

## New Rules

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### BANKING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted an amendment to Calculation, Assessment and Collection of Periodic Fees (38 IAC 375; 41 Ill Reg 7398), effective 12/15/17, repealing a fee schedule statutorily established in the Illinois Banking Act.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Fl., Springfield IL 62786, 217/785-0813.

## Second Notices

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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 January 16, 2018 meeting. Further comments on these rulemakings should be directed to JCAR.

### DEPT OF TRANSPORTATION

Hazardous Materials Transportation: General Information, Regulations and Definitions (92 IAC 171; 41 Ill Reg 12964) proposed 10/20/17

Hazardous Materials Table and Hazardous Materials Communications (92 IAC 172; 41 Ill Reg 12974) proposed 10/20/17

Shippers General Requirements for Shipments and Packagings (92 IAC 173; 41 Ill Reg 12979) proposed 10/20/17

Carriage by Public Highway (92 IAC 177; 41 Ill Reg 12986) proposed 10/20/17

Specifications for Packagings (Repealer) (92 IAC 178; 41 Ill Reg 12990) proposed 10/20/17

Specifications for Packagings (New Part) (92 IAC 178; 41 Ill Reg 13084) proposed 10/20/17

Specifications for Tank Cars (92 IAC 179; 41 Ill Reg 13088) proposed 10/20/17

Continuing Qualification and Maintenance of Packaging (92 IAC 180; 41 Ill Reg 13093) proposed 10/20/17

### DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 41 Ill Reg 7107) proposed 6/23/17

Retailers' Occupation Tax (86 IAC 130; 41 Ill Reg 7448) proposed 6/30/17

### DEPT OF HEALTHCARE AND FAMILY SERVICES

Long Term Care Reimbursement Changes (89 IAC 153; 41 Ill Reg 12370) proposed 10/6/17

### IL GAMING BOARD

Video Gaming (General) (11 IAC 1800; 41 Ill Reg 12670) proposed 10/13/17

## JCAR Meeting Action

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At its 12/12/17 meeting, the Joint Committee on Administrative Rules approved the following actions:

### OBJECTION

JCAR objects to the Illinois Gaming Board's rulemaking titled Riverboat Gambling (86 IAC 3000; 41 Ill Reg 7728) because the rulemaking lacks specificity. IGB has indicated that it plans to withdraw this rulemaking and work with involved parties on a new, more complete rulemaking, which will allow the public to comment during the new proposed rulemaking's 1st Notice period.

### RECOMMENDATION

With regard to the Illinois State Toll Highway Authority rulemaking titled State Toll Highway Rules (92 IAC 2520; 41 Ill Reg 11225), JCAR recommends that the Authority, in the future, refrain from making significant substantive changes in a

rulemaking during 1st Notice. Changes that substantively alter the published intent of the rulemaking deprive the public of its full opportunity to comment to the agency on the altered policy.

### EXTENSION

JCAR, with the concurrence of the State Board of Education, agreed to extend the Second Notice period for the rulemaking titled Charter Schools (23 IAC 650; 41 Ill Reg 11010) an additional 45 days.

## Joint Committee on Administrative Rules

**Senator Pamela Althoff**

**Representative Peter Breen**

**Senator Karen McConnaughay**

**Representative Tom Demmer**

**Senator Don Harmon**

**Representative Greg Harris**

**Senator Tony Muñoz**

**Representative Lou Lang**

**Senator Ira Silverstein**

**Representative André Thapedi**

**Senator Chuck Weaver**

**Representative Keith Wheeler**

**Vicki Thomas  
Executive Director**