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Joint Committee on Administrative Rules
Illinois General Assembly

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VOL. 43

January 25, 2019

Issue 4

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

■ TAX DISPUTES

The DEPARTMENT OF REVENUE proposed a new Part titled Settlement Bureau (86 IAC 216; 43 III Reg 1378) establishing a Settlement Bureau within DOR, through which taxpayers may resolve preliminary notices of tax liability or deficiency issued following an audit without resorting to the formal protest and administrative hearing process. Taxpayers have up to 60 days to request a settlement from the Bureau after receiving a notice of proposed tax liability, deficiency, or claim denial. The taxpayer must have complied with all reasonable requests for documents or other information made by DOR auditors for the tax period at issue, otherwise the Bureau will not consider the request for settlement. The Bureau may also examine proposed settlements pending before the Illinois

Independent Tax Tribunal. In such cases, the taxpayer may accept the Bureau's settlement provided that he or she dismisses the Tax Tribunal proceeding. The Bureau will not accept requests for relief from an undisputed tax liability or penalty that the taxpayer is unable to pay in full (these must be handled by DOR's Board of

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Appeals) and will not accept or negotiate settlement offers for tax periods for which a final determination of liability, deficiency or claim denial has been made. The new Part outlines actions that the Bureau may and may not take with regard to the settlement process. The Bureau's jurisdiction is limited to instances in which a bona fide factual or legal dispute

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New Rules

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Internal Security Standard and Fidelity Bonds (50 IAC 904; 42 III Reg 17329), effective 1/11/19, that define companies subject to the Part and amend rules for securities transactions. A company may require signatures from at least two officers or employees approved by the board of directors to complete securities transactions, or it may adopt an alternate policy listing individuals with authority to approve these transactions and segregating the tasks of authorization, recording and reconciling securities transactions so that no individual performs more than one task.

Questions/requests for copies: Eric Moser, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217/557-3759,

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

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concerning the proposed tax liability exists between the taxpayer and DOR. Each case is assigned to a Settlement Officer who shall consider the taxpayer's offer and recommend acceptance or rejection of that offer based on the record collected during the audit. If the Settlement Officer rejects the taxpayer's offer and a new settlement is not reached within 90 days, a final notice of liability/deficiency will be issued (which can be appealed via the formal protest and administrative hearing process). Final settlement decisions will be made by the Settlement Bureau Administrator if the adjustment in tax liability is \$500,000 or less, or by both the Administrator and the Director of DOR if the adjustment is more than \$500,000. If a taxpayer's offer is accepted, the Bureau and the taxpayer will enter a Closing Agreement, at which time the taxpayer must remit the full amount of tax due (unless DOR, at its discretion, agrees to alternative payment terms). Closing Agreements are final, nonappealable and confidential. Actions taken by the Settlement Bureau are not subject to administrative review and cannot be made part of the record in any other proceeding. Taxpayers who have recently undergone DOR audits and received preliminary notice of a tax liability or deficiency may be affected by this rulemaking.

Questions/requests for copies/ comments through 3/11/19: Brian

Emergency Rule

■ SOS GRANT REPEALER

The SECRETARY OF STATE repealed, by emergency rulemaking, an emergency rule titled Grant Applications and Award Procedures – Census Participation and Immigrant Community Assistance Grants (89 IAC 1500; 43 Ill Reg 1394) effective 1/10/19. The repeal eliminates an emergency rule effective 9/25/18 that was published in the 10/12/18 *Illinois Register* at 42 Ill Reg 18511. The emergency rule that was repealed (in response to a JCAR Objection) implemented two grant programs for which funds were appropriated to SOS in the Fiscal Year 2019 State Budget:

\$1.5 million for grants to encourage federal census participation and \$2.5 million for grants to assist immigrant communities in navigating government services. A companion proposed rulemaking (42 Ill Reg 18440) addressing the grant application and approval process is currently on extended Second Notice and will be considered by JCAR at its 2/19/19 meeting. Non-profit organizations, corporations and partnerships seeking grant funds are affected.

Questions/requests for copies: Amy Williams, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, awilliams3@ilsos.net

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

CAMPING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Camping on Department of Natural Resources Properties (17 IAC 130; 43 Ill Reg 1351) raising the cost of individual cabin rentals at Dixon Springs State Park (Pope County) from \$30 to \$60 and establishing a \$45 rental fee for barracks units. Fees for day use of group camps at Dixon Springs, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette State Park (Jersey

County) are also increased from \$50 to \$75 per day.

■ NATURAL GAS FACILITIES

DNR also proposed amendments to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 43 Ill Reg 1362) implementing Public Act 100-896, which concerns inspection of underground natural gas storage facilities and reporting of natural gas incidents occurring near an aquifer that serves as the sole or principal source of drinking water for an area (sole source aquifer). The rulemaking defines a natural gas incident as

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Proposed Rulemakings

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any unintentional release of at least 3 million cubic feet of natural gas from the underground portion of a storage facility that is located within the footprint of a sole source aquifer. An incident must be immediately reported to the DNR District Office in which the facility is located and public notice of the incident must be provided in compliance with the Oil & Gas Act. Underground natural gas facilities include depleted hydrocarbon reservoirs, aquifer reservoirs, and solution-mined salt cavern reservoirs that are used to store natural gas. DNR shall conduct annual inspections of all gas storage fields lying within the footprint of a sole source aquifer, and beginning 1/1/19, will assess an annual inspection fee upon affected permit holders. Permittees may contest the amount of their annual fees by submitting a written objection within 30 days after receiving their assessment. Fees not paid within 90 days after assessment are considered delinquent. Permittees with delinquent fees will be barred from operating or transferring wells until all fees and penalties are paid. Those affected by this rulemaking include holders of DNR permits for underground natural gas wells and storage facilities.

Questions/requests for copies/ comments on the 2 DNR rulemakings through 3/11/19: Part 130, John Heidinger (217/557-6379); Part 240, Daniel Brennan (217/782-0179), DNR, One

DPH Public Hearing

■ PLUMBING CODE

The DEPARTMENT OF PUBLIC HEALTH will hold a public hearing on proposed amendments to Illinois Plumbing Code (77 IAC 890; 42 Ill Reg 24640) **Monday, Feb. 4, from 9 to 11 a.m.** at the John R. Block Building (Department of Agriculture) Auditorium, 801 E. Sangamon Ave, State Fairgrounds Gate 11, Springfield. The hearing concerns a proposed rulemaking, published in the 12/28/18 *Illinois Register*, addressing waterborne pathogens (e.g., Legionella) and hazardous substances, including lead, in public and private water

systems. Persons wishing to testify at the hearing must sign in at the registration desk, submit a written copy of their remarks, and limit their comments to no more than 3 minutes. Those affected by this rulemaking include food service, healthcare and child care facilities and businesses that install or maintain plumbing fixtures or water systems.

Questions/requests for copies/ comments concerning the rulemaking or the public hearing: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761-0001, 217/782-2043, dph.rules@illinois.gov

Natural Resources Way, Springfield IL 62702-1271.

■ IEMA CONFERENCES

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed a new Part titled Conference Registration and Fees (29 IAC 115; 43 Ill Reg 1347) implementing provisions of the Illinois Emergency Management Agency Act. Fees for all IEMA-sponsored conferences are limited to \$100 or less, and will be set by IEMA based on federal and State funding available for each conference. IEMA will provide online registration, fee schedules and, if applicable, a deadline for claiming refunds at the time it begins accepting registrations for a conference. Employees of IEMA

and conference speakers are exempt from these fees, and the IEMA Director may waive conference fees for other individuals, although persons exempt from fees must still register for the conference. Those affected by this rulemaking include representatives of local governments, small businesses, or non-profits who attend IEMA-sponsored conferences.

Questions/requests for copies/ comments through 3/11/19: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860.

No Second Notices This Week
