

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

■ TAX PREPARATION

The DEPARTMENT OF REVENUE adopted an amendment to Income Tax (86 IAC 100; 41 Ill Reg 2025) effective 5/22/17 implementing the State Tax Preparer Oversight Act. The amendment defines an income tax return preparer as any person who prepares, or employs one or more persons to prepare, an income tax return or refund claim required by the Illinois Income Tax Act. Tax preparers do not include persons who merely provide typing, copying or mechanical assistance; who prepare returns or refund claims for their own employers; who prepare returns or refund claims as a fiduciary; or who prepare refund claims in response to an audit or notice of deficiency. Effective 1/1/17, income tax preparers must include their federally assigned Preparer Tax Identification Number (PTIN) on

any Illinois income tax return they prepare, and must also sign the return as the preparer if they would also be required to do so for a federal return. A preparer who holds an active PTIN and willfully fails to include it on an Illinois tax return is subject to a fine of \$50 per offense, up to \$25,000 per calendar year. DOR will use the PTIN information to identify preparers of fraudulent or erroneous returns for purposes of enforcement, and will exchange such information with the federal Internal Revenue Service and with other states. The rulemaking also includes provisions for misconduct investigations and appeal hearings for tax preparers who are accused of misconduct. Individuals and businesses that supply Illinois income tax preparation services will be affected by this rulemaking.

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Proposed Rulemakings

HEALTH FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD proposed amendments to Narrative and Planning Policies (77 IAC 1100; 41 Ill Reg 5900), proposed repeal of the Part titled Processing, Classification Policies and Review Criteria (77 IAC 1110; 41 Ill Reg 5934) and proposed a replacement Part with the same title (77 IAC 1110; 41 Ill Reg 6140). The Part 1100 rulemaking and the new Part 1110 change the current HFSRB review criterion of "normal travel time" to a health facility (currently 30 to 45 minutes) to a distance radius (10 miles in Chicago, 17 miles in other metropolitan areas, and 21 miles elsewhere in Illinois). These rulemakings also update or clarify various definitions and review standards, including financial and economic

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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) 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

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PUBLIC INFORMATION

DOR also adopted amendments to Public Information, Rulemaking and Organization (2 IAC 1200; 41 Ill Reg 6367), effective 5/22/17. The rulemaking establishes the availability of DOR's quarterly and cumulative annual indexes of letter rulings issued on a separate website (www.tax.illinois.gov). DOR also has eliminated its practice of placing taxpayers and tax practitioners on a mailing list for information bulletins and its newsletter, since these will be available on its website. DOR is also codifying the requirement for publication of its regulatory agenda in the *Illinois Register* and updating its list of regional offices.

Questions/requests for copies of the 2 DOR rulemakings: 86 IAC 100, Brian Stocker; 2 IAC 1200, Jerilynn Troxell Gorden; DOR, 101 W. Jefferson St, Springfield IL 62794, 217/ 782-2844.

ANIMAL CONTROL

The DEPARTMENT OF AGRICULTURE adopted amendments to the Part titled Humane Care for Animals Act (8 IAC 35; 40 Ill Reg 13293) effective 6/1/17. The rulemaking adds attendance in and completion of a Department-approved training program as a requirement for appointment as an approved humane investigator (animal control warden or DOA employee with authority to investigate

violations of the Humane Care for Animals Act), and adds failure to submit the required annual report as a cause for suspension of a humane investigator. Those affected include animal control and animal welfare agencies and local governments that employ humane investigators.

Questions/requests for copies: Pamela Harmon, DOA, State Fairgrounds, P.O. Box 19821, Springfield IL 62794-9281, 217/ 524-6905, fax 217/785-4505.

ACUPUNCTURISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Acupuncture Practice Act (68 IAC 1140; 41 Ill Reg 2724) effective 6/2/17. These amendments update and add definitions for commonly used terms, clarify the application requirements for licensure, and correct the number of acupuncture curriculum hours required by the American Council on Acupuncture and Oriental Medicine (ACAOM). Continuing education standards are updated and a maximum of 23 hours CE credit can now be earned through self-study courses. Unprofessional conduct standards are also updated. Approved CE sponsors now include the National Certification Commission for Acupuncture and Oriental Medicine and the American Society of Acupuncturists. Acupuncturists and acupuncture students are affected by this rulemaking.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax: 217/ 557-4451.

Proposed Rulemakings

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feasibility standards; streamline certain permit application requirements; and remove provisions that are obsolete or redundant.

Also, HFSRB proposed amendments to Long-Term Care (77 IAC 1125; 41 Ill Reg 6304) implementing Public Act 99-277, which requires the Long-Term Care Advisory Subcommittee to evaluate, and make recommendations to the State Board, regarding the buying, selling and exchange of beds. For consistency with statute, this rulemaking requires planning area population projections for long-term care facilities to be five years (currently 10) from the base year. Similar to the Part 1100 and 1110 amendments, this rulemaking also replaces travel time with distance for service accessibility and removes unnecessary duplication/maldistribution review criteria.

HFSRB proposed amendments to Health Care Worker Self-Referral (77 IAC 1235; 41 Ill Reg 6317) concerning exception application review procedures for

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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 June 13, 2017 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

IL EDUCATIONAL LABOR RELATIONS BOARD

Collective Bargaining and Impasse Resolution (80 IAC 1130; 40 Ill Reg 15623) proposed 11/14/16

Fair Share Fee Objections (80 IAC 1125; 40 Ill Reg 15256) proposed 11/14/16

Unfair Labor Practice Proceedings (80 IAC 1120; 40 Ill Reg 15242) proposed 11/14/16

Representation Procedures (80 IAC 1110; 40 Ill Reg 15215) proposed 11/14/16

Hearings Procedures (80 IAC 1105; 40 Ill Reg 15202) proposed 11/14/16

General Procedures (80 IAC 1100; 40 Ill Reg 15193) proposed 11/14/16

Freedom of Information (Repealer) (2 IAC 2676; 41 Ill Reg 279) proposed 1/13/17

Access to Records of the Illinois Educational Labor Relations Board (New Part) (2 IAC 2676; 41 Ill Reg 289) proposed 1/13/17

DEPT OF NATURAL RESOURCES

General Hunting and Trapping on Department-Owned or -Managed Sites (17 IAC 510; 41 Ill Reg 2354) proposed 2/24/17

Landowner Permits (17 IAC 528; 41 Ill Reg 2362) proposed 2/24/17

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 41 Ill Reg 2374) proposed 2/24/17

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (17 IAC 550; 41 Ill Reg 2392) proposed 2/24/17

Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver & Woodchuck (Groundhog) Trapping (17 IAC 570; 41 Ill Reg 2408) proposed 2/24/17

Duck, Goose and Coot Hunting (17 IAC 590; 41 Ill Reg 2425) proposed 2/24/17

White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 41 Ill Reg 2490) proposed 2/24/17

White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 41 Ill Reg 2516) proposed 2/24/17

White-Tailed Deer Hunting By Use of Bow & Arrow (17 IAC 670; 41 Ill Reg 2532) proposed 2/24/17

Youth Hunting Seasons (17 IAC 685; 41 Ill Reg 2561) proposed 2/24/17

Squirrel Hunting (17 IAC 690; 41 Ill Reg 2568) proposed 2/24/17

The Taking of Wild Turkeys - Spring Season (17 IAC 710; 41 Ill Reg 2581) proposed 2/24/17

The Taking of Wild Turkeys - Fall Gun Season (17 IAC 715; 41 Ill Reg 2609) proposed 2/24/17

The Taking of Wild Turkeys - Fall Archery Season (17 IAC 720; 41 Ill Reg 2617) proposed 2/24/17

Dove Hunting (17 IAC 730; 41 Ill Reg 2634) proposed 2/24/17

Crow, Woodcock, Snipe, Rail and Teal Hunting (17 IAC 740; 41 Ill Reg 2654) proposed 2/24/17

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Second Notices

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Nuisance Wildlife Control Permits (17 IAC 525; 41 Ill Reg 3131) proposed 3/17/17

IL COMMERCE COMMISSION

Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 IAC 590; 40 Ill Reg 14978) proposed 11/4/16

STATE BOARD OF EDUCATION

Educator Licensure (23 IAC 25; 41 Ill Reg 2800) proposed 3/10/17

DEPT OF HUMAN SERVICES

Electronic Prescription Monitoring Program (77 IAC 2080; 41 Ill Reg 2322) proposed 2/24/17

Proposed Rulemakings

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which all required information must be submitted within 10 days of receiving the application. If additional information was requested and submitted, Board staff will re-evaluate the application for completeness. Applications that are not complete within 30 days of being deemed incomplete will be withdrawn.

Questions/requests for copies/comments on the 5 HFSRB rulemakings through 7/17/17: Jeannie Mitchell, HFSRB, 69 W. Washington Street, Suite 3501, Chicago IL, 60602, 312/814-6226, e-mail: Jeannie.Mitchell@illinois.gov.

■ REAL ESTATE & AUCTIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the

Parts titled Home Inspector Licensure Act (68 IAC 1410; 41 Ill Reg 5845), Auction License Act (68 IAC 1440; 41 Ill Reg 5855), Real Estate License Act of 2000 (68 IAC 1450; 41 Ill Reg 5866), and Real Estate Appraiser Licensing (68 IAC 1455; 41 Ill Reg 5888). All four rulemakings abolish fees for issuance of duplicate or decorative licenses. Amendments to Part 1410 clarify that franchise fees paid by a home inspector licensee to a franchisor do not constitute compensation if the franchisor does not perform home inspections. The Part 1440 rulemaking clarifies that individuals or entities that accept compensation for listing personal items for sale on a third party internet auction service are not auctioneers under this Part. Amendments to Part 1450 clarify that, for the purposes of the Act, an electronic signature may be used for any application, affidavit, or other document that must be

signed. Real estate licenses may also be surrendered, sent, obtained or issued electronically, and the requirement to make licenses readily available to the public may be fulfilled by using a copy of the license instead of the original. The rulemaking removes the requirement that an owner seeking an exemption set forth in Section 5-20(1) of the Act be the sole owner of the property. The Part 1455 rulemaking allows the Department to charge appraiser licensees \$100 per credit hour for CE courses completed after the deadline, up to a maximum of \$2,000. Real estate agents and appraisers, auctioneers, and their employers are affected by this rulemaking.

Questions/requests for copies/comments on the 4 DFPR rulemakings through 7/17/17: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax: 217/557-4451.