

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 an amendment to Income Tax (86 Ill Adm Code 100; 40 Ill Reg 6676) effective 9/7/16 that limits the automatic, on request 6-month extension (7 months for corporations) for filing to taxpayers whose returns are due by the fifteenth day of the fourth month after the end of the taxable year (e.g., April 15 for calendar-year based returns). Additional extensions are in accord with IRS extensions. Any income tax payer may be affected.

■ SALES TAXES

DOR adopted an amendment to Retailers' Occupation Tax (86 IAC 130; 40 Ill Reg 5853) effective 9/9/16 codifying an Appellate Court ruling in *Nokomis Quarry Co. v. Department of Revenue*, in which the Court held that

machinery and equipment used in extractive activities, such as blasting, may qualify for the manufacturing machinery and equipment exemption from the tax. The exemption applies when blasting is deliberately and systematically performed with specific, desired results, and the process results in a new product of tangible personal property with

Peremptory Rule, Page 3

a different form with new qualities or combinations. The amendment also implements PA 98-583, which excludes from the exemption equipment used in the generation of electricity, to generate or treat natural or artificial gas, or water for sale that is delivered by pipes, pipelines or mains.

(cont. page 2)

Proposed Rulemakings

■ ANIMAL CONTROL

The DEPARTMENT OF AGRICULTURE proposed amendments to the Parts titled Animal Control Act (8 IAC 30; 40 Ill Reg 13289) and Humane Care for Animals Act (8 IAC 35; 40 Ill Reg 13293). The Part 30 amendments add cats and ferrets to the procedures for revaccination, confinement or destruction of dogs and meat animals exposed to rabies. Meat animals may be slaughtered within 72 hours after exposure (currently, 7 days) or after 6 months have passed from the date of exposure without any indication of rabies. If the animal had been vaccinated more than 30 days prior to exposure and is still within the recognized period of immunity, the animal shall be revaccinated and confined for 45

(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.

New Rules

(cont. from page 1)

DOR also adopted an amendment to Use Tax (86 IAC 150; 40 Ill Reg 5877), effective 9/12/16, implementing PA 98-1089. The rulemaking governs the establishment of nexus for click-through online transactions and details the process that DOR will require in order to rebut the presumption that a retailer is maintaining a place of business in Illinois, thereby subjecting the transaction to the tax.

Questions/requests for copies of the 3 DOR rulemakings: Part 100, Brian Stocker; Part 130, Cara Bishop; Part 150, Debra Boggess; DOR, 101 W. Jefferson St,

Springfield IL 62794, 217/ 782-2844.

■ DISEASE REPORTING

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Health and Hazardous Substances Registry Code (77 IAC 840; 40 Ill Reg 1625), effective 9/12/16, that update reporting requirements for the Illinois State Cancer Registry and remove the manual report form as a reporting option. Other amendments add ICD-10-CM Diagnosis and Procedure codes to the list of reportable diseases and modify the Adverse Pregnancy Outcomes Reporting System (APORS) rules to include

infants born at less than 31 weeks gestation (currently, birth weight of less than 1,500 grams). The rulemaking also exempts cannabis from the APORS reporting requirement for positive toxicology tests in either mother or infant, but requires reporting if a mother admits to using any illicit drug other than cannabis during her pregnancy. Healthcare providers are affected by this rulemaking.

Questions/requests for copies: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, e-mail: rules@idph.state.il.us

Proposed Rulemakings

(cont. from page 1)

days (currently 30 days). In Part 35, DOA is adding 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 adding failure to submit the required annual report as a cause for suspension of a humane investigator. Animal welfare agencies and local governments that employ humane investigators are affected.

Questions/requests for copies/comments on the 2 DOA

rulemakings through 11/7/16: Susan Baatz, DOA, State Fairgrounds, P.O. Box 19821, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

■ VIDEO GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 40 Ill Reg 13299) adding a new Section that regulates video gaming locations within malls. The rulemaking defines “mall” and establishes factors to be considered when the Board makes determinations on whether a gaming location can be located in a mall. Video gaming licensees and shopping mall owners will be affected.

Questions/requests for copies/comments through 11/7/16: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL, 60601, 312/814-7253, e-mail: Agostino.lorenzini@igb.illinois.gov.

■ FOOD HANDLING

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Manufacturing, Processing, Packing or Holding of Food Code (77 IAC 730; 40 Ill Reg 13309) and proposed the repeal of the Parts titled Processors of Fresh and Smoked Fishes (77 IAC 735; 40 Ill Reg 13315), Processors of Cacao Products and Confectionery (77 IAC 738; 40 Ill Reg 13336), Soft Drink Manufacturers (77 IAC 740; 40 Ill

(cont. page 3)

Proposed Rulemakings

(cont. from page 2)

Reg 13358), and Sanitary Vending of Food and Beverages (77 IAC 743; 40 Ill Reg 13381). The Part 730 amendments incorporate federal regulations for hazard analysis and critical control point systems, canned fruit juice and cacao product processing; the remaining amendments repeal rules being added to or already contained in Part 730. Food manufacturers and processors will be affected by these rulemakings.

Questions/requests for copies/comments on the 5 DPH rulemakings through 11/7/16: Elizabeth Paton, at the DPH address on page 2.

Peremptory Rule

■ MEAT CATTLE INSPECTION

The DEPARTMENT OF AGRICULTURE adopted peremptory amendments to the Part titled Meat and Poultry Inspection Act (8 IAC 125; 40 Ill Reg 13486) effective 9/16/16. The peremptory rule implements new federal regulations regarding pre-slaughter inspection of non-ambulatory cattle. Veal calves unable to walk due to weakness or cold formerly had to be set

apart and held in a treatment pen for inspection; the new rule allows inspectors to condemn non-ambulatory cattle for immediate slaughter upon arrival at a slaughter/processing facility. Meat processing facilities are affected by this peremptory rule.

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

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 October 11, 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.

DEPT OF INSURANCE

Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds (50 IAC 4404; 40 Ill Reg 5817) proposed 4/8/16

DEPT OF NATURAL RESOURCES

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 40 Ill Reg 9943) proposed 7/22/16

DEPT OF REVENUE

Income Tax (86 IAC 100; 40 Ill Reg 5174) proposed 3/25/16

Income Tax (86 IAC 100; 40 Ill Reg 6540) proposed 4/15/16

Property Tax Code (86 IAC 110; 40 Ill Reg 9063) proposed 7/8/16

STATE BOARD OF EDUCATION

Early Childhood Block Grant (23 IAC 235; 40 Ill Reg 6758) proposed 4/29/16