

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

■ SALES TAX RECORDS

The DEPARTMENT OF REVENUE proposed amendments to the Parts titled Retailers' Occupation Tax (86 IAC 130; 43 Ill Reg 1251), Service Occupation Tax (86 IAC 140; 43 Ill Reg 1277), Cigarette Tax Act (86 IAC 440; 43 Ill Reg 1287), Cigarette Use Tax Act (86 IAC 450; 43 Ill Reg 1303) and Tobacco Products Tax Act of 1995 (86 IAC 660; 43 Ill Reg 1312), all implementing Public Act 100-940. These rulemakings require retailers that are subject to these taxes to produce their books and records for examination when requested by DOR, and impose penalties of \$1,000 for the first instance and \$3,000 for each subsequent instance of failure to do so. During normal business hours, retailers must have someone present who is authorized to produce books and records if a DOR agent requests them. If the

only employee on duty at the time of a DOR inspection is not authorized to access the requested records, the business will not be penalized if a person who can access those records is contacted and can produce them within 2 hours. If records are not produced at the time of an in-person request, DOR must send a written notice listing the

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requested records. The recipient of the notice has at least 10 business days to produce these documents, after which DOR may issue a notice of penalty. Anyone receiving a notice of penalty has 20 days to appeal and request a hearing. No more than one penalty per calendar month may be imposed. Penalties for failure to produce books and records may also be imposed if a retailer fails to schedule an audit within 6 months after DOR has given

notice of an impending audit. The amendments to Parts 440 and 450 impose additional requirements and penalties upon sellers of cigarettes and other tobacco products, prohibit sale of individual or loose cigarettes, and require that cigarettes be sold only in packages of 20 or 25. Open or empty packages found at or behind a sales counter by an authorized DOR agent will be considered prima facie evidence of a violation, with a penalty of \$1,000 for the first violation and \$3,000 for each subsequent violation. The Part 440 and 450 rulemakings also list records that must be kept by cigarette retailers, distributors, secondary distributors, and manufacturer representatives. Failure to keep the required records or falsification of these records is a Class 4 felony with a potential

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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.

Proposed Rulemakings

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fine of up to \$5,000. The Part 660 rulemaking affects retailers who sell other tobacco products (e.g., rolled tobacco) and in addition to the records provisions, requires retailers of tobacco rolls to keep invoices stating the weight of the rolls. Retail businesses are affected by these rulemakings.

Questions/requests for copies/comments on the 5 DOR rulemakings through 3/4/19: Richard Wolters, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

AABD BENEFITS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Aid to the Aged, Blind or Disabled (89 IAC 113; 43 Ill Reg 1240) increasing the monthly grant adjustment allowance by \$21, from \$571.90 to \$592.90, reflecting the 2019 cost of living increase in Supplemental Security Income. Sheltered, personal and nursing care monthly rates are increased by the same amount.

SNAP BENEFITS

DHS also proposed an amendment to General Administrative Provisions (89 IAC 10; 43 Ill Reg 1235) concerning Supplemental Nutrition Assistance Program (SNAP) benefits. Requests for review of SNAP benefit decisions may be made in writing or orally, and can be submitted via DHS' online ABE Appeals Portal, via fax

OSFM Public Hearings

■ FIRE CODES

The OFFICE OF THE STATE FIRE MARSHAL will hold public hearings on proposed amendments to Fire Prevention and Safety (41 IAC 100; 43 Ill Reg 125) at the following dates, times and locations:

Tuesday, Jan. 29, 9 a.m., John Logan College, Room F103, 700 Logan College Rd., Carterville

Wednesday, Jan. 30, 1 p.m., Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield

Tuesday, Feb. 5, 9 a.m., Des Plaines Facility, Lower Level

transmission, or in person at the Bureau of Hearings or any Family Community Resource Center.

Questions/requests for copies/comments on the 2 DHS rulemakings through 3/4/19: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

DOT RULE WITHDRAWALS

The DEPARTMENT OF TRANSPORTATION has withdrawn a proposed new Part titled Construction Standards for School Buses (92 IAC 440; 42 Ill Reg 15079) and withdrawn its proposed repeal of the Parts titled Minimum Safety Standards for

Conference Room, 9511 Harrison St., Des Plaines

The proposed amendments, which appeared in the 1/4/19 *Illinois Register*, update incorporated National Fire Protection Association (NFPA) 101 Life Safety Code standards to the 2015 edition, with some exceptions. Persons planning to testify are encouraged to provide written copies of their testimony and may speak for up to 5 minutes.

Questions regarding the rulemakings or the public hearings: Cathy Stashak, OSFM, 100 W. Randolph St., Suite 4-600, Chicago IL 60601, 312/814-2425.

Construction of Type I School Buses (92 IAC 440; 42 Ill Reg 15029) and Minimum Safety Standards for Construction of Type II School Buses (92 IAC 442; 42 Ill Reg 15117). These rulemakings, which appeared in the 8/10/18 *Illinois Register*, would have consolidated DOT's school bus construction rules into a single Part. DOT is withdrawing these proposed rules in response to public comment.

JCAR MEMBERSHIP CHANGE

JCAR welcomes new member Sen. Kimberly Lightford, D-Maywood. She succeeds former Sen. Ira Silverstein.

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 February 19, 2019 JCAR meeting. Further comment on these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 42 Ill Reg 18780) proposed 10/19/18

SECRETARY OF STATE

Commercial Driver Training Schools (92 IAC 1060; 42 Ill Reg 20315) proposed 11/16/18

Issuance of Licenses (92 IAC 1030; 42 Ill Reg 20247) proposed 11/16/19

JCAR Meeting Action

At its 1/15/19 meeting, the Joint Committee on Administrative Rules approved the following actions:

OBJECTION

JCAR objected to the Department of Insurance rulemaking titled Required Procedure for Filing and Securing Approval of Policy Forms (50 IAC 916; 42 Ill Reg 17342) because the Department has not adequately addressed JCAR questions and public comment.

RECOMMENDATIONS

With respect to the Department of Public Health rulemakings titled Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 42 Ill Reg 18553) and Sheltered Care Facilities Code (77 IAC 330; 42 Ill Reg 18568), JCAR recommended that DPH be more timely in reflecting statutory requirements in rule. Public Act 98-104 become effective on 7/22/13.

With respect to the DPH rulemaking titled Lead Poisoning Prevention Code (77 IAC 845; 42 Ill Reg 15784), JCAR recommended that if DPH wishes to substitute the broader term "lead exposure" for "lead poisoning" in its rules, it seek

a statutory change to encompass the term "lead exposure".

EXTENSIONS

JCAR and the respective agencies agreed to extend the Second Notice periods for the following rulemakings an additional 45 days:

Department of Healthcare and Family Services, Medical Payment (89 IAC 140; 42 Ill Reg 18242) proposed 10/12/18

Department of Labor, Minimum Wage Law (56 IAC 210; 42 Ill Reg 17091) proposed 9/28/18

Secretary of State, Grant Application and Award Procedures - Census Participation and Immigrant Community Assistance Grants (89 IAC 1500; 42 Ill Reg 18440) proposed 10/12/18

POSTPONEMENT

JCAR postponed action on the Department of Insurance rulemaking titled Premium Trust Fund Account (50 IAC 3113; 42 Ill Reg 18372) until the 2/19/19 meeting. This rulemaking is currently on extended Second Notice.