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December 15, 2017 Volume 41, Issue 50

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Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2017 until January 2, 2018.

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2017

Issue#	Rules Due Date	Date of Issue
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017

14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017
21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Illinois Athlete Agents Act
- 2) Code Citation: 68 Ill. Adm. Code 1155
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1155.5	Repealed
1155.10	Repealed
1155.20	Repealed
1155.30	Repealed
1155.40	Repealed
1155.50	Repealed
1155.60	Repealed
1155.70	Repealed
1155.80	Repealed
- 4) Statutory Authority: Implementing the Illinois Athlete Agents Act [225 ILCS 401] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
- 5) A Complete Description of the Subjects and Issues Involved: PA 100-534 (formerly Senate Bill 1821) repealed the following 4 professions licensure Acts: the Illinois Athlete Agents Act, internet auction listing services (within the Auction License Act), the Land Sales Registration Act of 1999 and the Real Estate Time Shares Act of 1999. Currently, under the Illinois Athlete's Agent Act, an athlete agent is an individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract. Given the small number of active licensed athlete agents in Illinois and the very small number of complaints against these agents, it had been determined by the Department that continued regulation of this profession was unworthy of the cost (\$750.00 fee) needed to sustain the regulation of this profession.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice.

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensed/Registered athlete agents will be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because we could not predict that the Deregulation Bill was going to pass the General Assembly during the last session.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1155
ILLINOIS ATHLETE AGENTS ACT (REPEALED)

Section

1155.5	Definitions
1155.10	Qualifications for Licensure
1155.20	Fees
1155.30	Endorsement
1155.40	Renewals
1155.50	Restoration
1155.60	Inactive Status
1155.70	Granting Variances
1155.80	Dishonorable, Unethical or Unprofessional Conduct

AUTHORITY: Implementing the Illinois Athlete Agents Act [225 ILCS 401] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 35 Ill. Reg. 11398, effective July 15, 2011; repealed at 42 Ill. Reg. _____, effective _____.

Section 1155.5 Definitions

"Act" means the Illinois Athlete Agents Act [225 ILCS 401].

"Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional sports services contract or an endorsement contract. [225 ILCS 401/15]

"Athlete agent" means an individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract. The term includes an individual who represents to the public that the individual is an athlete agent. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. [225 ILCS 401/15]

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division, with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Endorsement contract" means an agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance. [225 ILCS 401/15]

"Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of collegiate athletics. [225 ILS 401/15]

"Professional sports services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete. [225 ILCS 401/15]

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Student-athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student-athlete for purposes of that sport. [225 ILCS 401/15]

Section 1155.10 Qualifications for Licensure

- a) Individuals applying for licensure as an athlete agent shall file an application with the Division on forms provided by the Division. The applicant shall:
 - 1) Be at least 21 years of age.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- 2) Not have engaged in any practice or conduct that would be grounds for discipline.
- 3) Pay the required non-refundable fee set forth in Section 1155.20.
- 4) Submit an application that is signed or otherwise authenticated by the applicant under penalty of perjury that contains the following information:
 - A) The name and social security number of the applicant and the address of the applicant's principal place of business;
 - B) The name of the applicant's business or employer, if applicable;
 - C) Any business or occupation engaged in by the applicant for the five years immediately preceding the date of submission of the application;
 - D) A description of the applicant's education or formal training as an athlete agent, work history, including but not limited to any practical experience as an athlete agent, and educational background;
 - E) The names and addresses of all persons who are, with respect to the athlete agent's business, if it is not a corporation, the partners, members, officers, managers, associates or profit-sharers of the business and, with respect to a corporation employing the athlete agent, the officers, directors and any shareholder of the corporation having an interest of five percent or greater;
 - F) The names and addresses of three individuals not related to the applicant who are willing to serve as references; and
 - G) The name, sport and last known team for each individual for whom the applicant acted as an athlete agent during the five years immediately preceding the date of submission of the application.
- 5) Comply with all other requirements of the Act and this Part.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- b) Section 25(b) of the Act *allows individuals practicing as an athlete agent in Illinois as of January 1, 2011 to continue to practice as provided in the Act until the Department has adopted this Part. To continue practicing as an athlete agent after the adoption of this Part, individuals shall apply for licensure within 90 days. If an application is not filed within the 90 day period, the individual must cease practice as an athlete agent at the conclusion of the 90 day period and until the individual makes an application and the Department grants the license.*
- c) Applicants other than those covered under subsection (b) have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, then the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 1155.20 Fees

The following fees shall be paid to the Department and are not refundable:

- a) **Application Fees**
The fee for application for a license as an athlete agent is \$750.
- b) **Renewal Fees**
The fee for the renewal of a license as an athlete agent shall be calculated at \$375 per year.
- c) **General Fees**
- 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 5) The fee for a roster of persons licensed as athlete agents in this State shall be the actual cost of producing the roster.

Section 1155.30 Endorsement

- a) An applicant for licensure as an athlete agent who is licensed under the laws of another state shall file an application with the Division that shall include:
 - 1) Documentation certifying that applicant meets the education requirements set forth in Section 1155.10(a)(4)(D);
 - 2) Documentation from the jurisdiction of original licensure and the state by which the applicant is currently licensed, stating whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;
 - 3) Complete work history; and
 - 4) The required fee set forth in Section 1155.20.
- b) The Division shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination then in force in this State and whether the applicant has otherwise complied with the Act.
- c) The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial or deferral, respectively, of the application.

Section 1155.40 Renewals

- a) The first renewal date for licensure under the Act shall be January 31, 2014. Thereafter, every license issued under the Act shall expire on January 31 of even numbered years. The holder of the license may renew the license during the month preceding the expiration date by paying the required fee and completing the renewal form.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- b) It is the responsibility of each license holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on an expired license shall be considered unlicensed practice and shall subject the individual to discipline or other penalties set forth in Section 75 of the Act.

Section 1155.50 Restoration

- a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of all lapsed renewal fees and completion of a new license application.
- b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the current renewal fee.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, including the applicant's work history since the license expired and the required fee. The person shall also submit one of the following:
 - 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 55 of the Act.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to provide information as may be necessary.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- e) Upon the recommendation of the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

Section 1155.60 Inactive Status

- a) An athlete agent who notifies the Division, on forms provided by the Division, may place his or her license on inactive status and shall be excused from paying renewal fees until he/she notifies the Division in writing of the intention to resume active practice.
- b) Any athlete agent seeking restoration from inactive status shall do so in accordance with Section 1155.50.
- c) Any person violating this Section shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

Section 1155.70 Granting Variances

The Director may grant variances from this Part in individual cases when he or she finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

Section 1155.80 Dishonorable, Unethical or Unprofessional Conduct

The Division may suspend or revoke a license, refuse to issue or renew a license or take disciplinary action based upon its finding of dishonorable, unethical or unprofessional conduct as defined by Section 75 of the Act.

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Illinois Liquor Control Commission
- 2) Code Citation: 11 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
100.40	Repealed
100.130	Repealed
100.190	Repealed
100.230	Repealed
100.275	Repealed
100.285	Amendment
100.310	Repealed
100.370	Repealed
100.380	Repealed
100.390	Repealed
100.420	Repealed
100.430	Repealed
- 4) Statutory Authority: 235 ILCS 5/8-10, 235 ILCS 5/6/10, 235 ILCS 5/7-9, 235 ILCS 5/5-1, 235 ILCS 5/6-16, 235 ILCS 5/3-13, 235 ILCS 5/6-15, 235 ILCS 5/3-13, 235 ILCS 3/12
- 5) A Complete Description of the Subjects and Issues involved: The amended section is being amended to remove out-of-date and obsolete language and make technical changes. The repealed sections are being repealed to remove out-of-date and obsolete language.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Beverly Langenfeld
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensed retail liquor establishments
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on the latest Regulatory Agenda. After the July 2017 Regulatory Agenda was submitted, the Liquor Commission began an assessment of its rules to determine if they contained out-of-date and obsolete provisions and reflected the latest statutory enactments.

The full text of the Proposed Amendments begins on the next page:

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING

SUBTITLE A: ALCOHOL

CHAPTER I: ILLINOIS LIQUOR CONTROL COMMISSION

PART 100

THE ILLINOIS LIQUOR CONTROL COMMISSION

Section

100.5	Penalties
100.10	Definitions
100.20	Employment of Minors
100.30	Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation
100.40	Registration of Tasting Representatives (Repealed)
100.50	Advertising
100.60	Geographical Territories
100.70	Labels
100.80	Bonds (Repealed)
100.90	Credit to Retail Licensees
100.100	Internal Changes Within Corporations
100.110	Application Forms
100.120	Railroad Licenses
100.130	Books and Records (Repealed)
100.140	Miniatures (Repealed)
100.150	Salvaged Alcoholic Liquors
100.160	Sanitation
100.170	Taps
100.180	Procedure Before Commission on Citations
100.190	Procedure Before Commission on Request for Continuance of Any Hearing (Repealed)
100.200	Wagering Stamps (Repealed)
100.210	Inducements
100.220	Retail Licensee Clubs (Repealed)
100.230	Resumption of Business on Appeal (Repealed)
100.240	Transactions Involving Use of Checks and Their Equivalent (Repealed)
100.245	Consignment Sales Prohibited; Bona Fide and Non-Bona Fide Returns
100.250	Transfer of Alcohol
100.255	Off-Premise Retail Warehousing Prohibited
100.260	Uniform Systems of Accounts

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

100.270	Multi-Use Facilities
100.275	Hotel/Motel Mini Bars and Room Service (Repealed)
100.280	Giving Away of Alcoholic Liquors
100.285	Tastings, Product Sampling and Test Marketing
100.290	Refilling
100.300	Authorization to Remove Bottles
100.310	Food Service at Park Districts (Repealed)
100.320	Airplanes
100.325	Boats/Riverboat Gaming
100.326	Auction Liquor Licenses
100.330	Advertising
100.340	Petitions for the Adoption, Amendment or Repeal of a Rule
100.350	Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner
100.360	Review on Record – Certification of Ordinance
100.370	Procedures Before the Commission (Repealed)
100.380	Ex Parte Consultations (Repealed)
100.390	Transcripts – Administrative Review (Repealed)
100.400	Procedures Before the Commission on Disputes under Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act (Repealed)
100.410	Commission Meetings Representation of Licensees Before the Commission (Repealed)
100.420	Wine Maker Self-Distribution (Repealed)
100.430	Craft Brewer Self-Distribution (Repealed)
100.460	Revoked License
100.480	Importation of Alcoholic Liquor

AUTHORITY: Implementing and authorized by Section 3-12(a)(2) of the Liquor Control Act [235 ILCS 5/3-12(a)(2)].

SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March 31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 20 Ill. Reg. 834, effective January 2, 1996; expedited correction at 20 Ill. Reg. 4469, effective January 2, 1996; amended at 21 Ill. Reg. 5542, effective May 1, 1997; amended at 23 Ill. Reg. 3787, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 8687, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13609, effective October 28, 1999; amended at 25 Ill. Reg. 13596, effective October 15, 2001; amended at 26 Ill. Reg. 17966,

THE ILLINOIS LIQUOR CONTROL COMMISSION

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effective December 9, 2002; amended at 27 Ill. Reg. 17386, effective November 10, 2003; amended at 39 Ill. Reg. 4433, effective March 12, 2015; amended at 39 Ill. Reg. 10386, effective July 10, 2015; amended at 42 Ill. Reg. _____, effective _____.

Section 100.40 Registration of Tasting Representatives (Repealed)

- a) ~~Any non licensee wishing to conduct a tasting as defined in Section 100.10 must register with the Commission. A registered tasting representative acts as the agent of the licensee.~~
- b) ~~Registration is fulfilled by submitting a Commission form including the name, address, social security number and telephone number of the registrant; name, address and telephone number of the licensee for which the registrant will be acting and any other licensee being represented; and a \$100 administrative fee payable annually to the Commission. Registration shall be completed at least 14 days prior to the initial tasting. Any application received less than 14 days prior to the initial tasting will be assessed a \$25 late fee.~~
- c) ~~Registration identification, or a copy thereof, must be available for inspection during a tasting.~~
- d) ~~Any applicant must meet all eligibility requirements as stated in 235 ILCS 5/6-2.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 100.130 Books and Records (Repealed)

- a) ~~It is the duty of each manufacturer, importing distributor, distributor and foreign importer to keep at all times complete and accurate records of all purchases and all sales or other dispositions of alcoholic liquor, and complete and accurate records of alcoholic liquor produced, manufactured, compounded or imported, whether for the licensee or for another. All books and records, which manufacturers, distributors, importing distributors and foreign importers are required by the Act to keep, shall be preserved for a period of three (3) years, unless the State Commission in writing authorizes their destruction or disposal at an earlier date.~~
- b) ~~Each such licensee is required to retain invoices and bills of lading covering sales of alcoholic liquors.~~

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- e) ~~Each manufacturer, distributor, importing distributor and foreign importer must at the time of sale of any alcoholic liquors render to the purchaser an invoice describing the alcoholic liquor sold, the date of sale, to whom sold and the quantity sold. Duplicate copies of all such invoices must be made and preserved by such manufacturer, distributor, importing distributor and Foreign importer for audit purposes.~~
- d) ~~Each manufacturer, distributor, importing distributor and foreign importer shall keep a ledger or other records giving the name, license number and expiration date, and address of each purchaser of alcoholic liquors and information concerning each purchase, including invoice number, date of sale, amount of sale and date of payment therefor.~~
- e) ~~It is the duty of each retail licensee to keep on the licensed premises invoices, or copies thereof, covering purchases of alcoholic liquor for a period of 90 days after such purchase, unless the State Commission has granted a waiver in response to a written request in cases where books and records are kept at a central business location within the State of Illinois. If granted a waiver, each licensee will be required to have at each location a copy of the waiver granting permission to have the invoices located at a central business location. A copy of the waiver must be available for inspection at the location of the business within 30 days of the date of the signed waiver. An administrative fee of \$10.00 per location, or \$100 maximum for businesses with multiple locations of 10 or more, will be assessed. Before any change is made in the central business location where the invoices are to be kept, the Illinois Liquor Control Commission should be notified and a new waiver request form must be submitted to the Illinois Liquor Control Commission for prior approval. The waiver will remain effective unless and until a new waiver request has been approved by the Illinois Liquor Control Commission. Periodic updates may be required.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 100.190 Procedure Before Commission on Request for Continuance of Any Hearing (Repealed)

- a) ~~A request for a continuance of any hearing in any matter before the Commission will not be allowed unless for a good and valid reason and unless made at least five (5) days prior to the date set for the hearing.~~

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- b) ~~The Commission may in its discretion grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 100.230 Resumption of Business on Appeal (Repealed)

- a) ~~In any case where a licensee appeals to the Illinois Liquor Control Commission from an order of the Local Liquor Control Commission, fining, suspending or revoking a license, or denying a renewal application and in which latter circumstance said licensee shall have on deposit with the Local Liquor Control Commission an amount sufficient to cover the license fee for the renewal period and any bond that may be required, the licensee may resume the operation of the licensed business pending the decision of the Illinois Liquor Control Commission and the expiration of the time allowed for an application for rehearing.~~
- b) ~~Second or subsequent Suspension or Revocation~~
- 1) ~~The foregoing shall not apply to the appeal of a suspension or revocation order entered by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed upon that licensee within the preceeding 12 month period.~~
- 2) ~~In such event, the licensee shall cease all activity otherwise authorized by the liquor license.~~
- c) ~~If in the event of a hearing upon a second or subsequent revocation as stated above, the State Liquor Control Commission reverses or modifies the action of the Local Liquor Control Commissioner, the licensee may immediately resume operation of the licensed business pursuant to the terms of the State Commission's order.~~
- d) ~~If an application for rehearing is filed in either a first revocation, suspension or fine situation, or a second or subsequent revocation or fine that the State Commission has reversed or modified, the licensee may continue the operation of the licensed business until the denial of the application or if the rehearing is granted, until the decision on rehearing.~~

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(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 100.275 Hotel/Motel Mini Bars and Room Service (Repealed)

~~To sell alcoholic liquor from mini bars in hotels and motels, the hotel/motel:~~

- ~~a) Shall possess a valid local and State retail liquor license for the entire hotel/motel or as the local commission deems necessary;~~
- ~~b) Shall establish a method of control to prevent the use of the mini bar as a means of over service or consumption of alcohol by a person under the age of 21;~~
- ~~c) Shall comply with all provisions of the Act, this Part and local liquor control ordinances.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 100.285 Tastings, Product Samplings and Test Marketing

- a) "Product Sampling" or "tastings" mean a supervised presentation of alcoholic liquor products to the public at a retailer location for the purpose of disseminating product information and education, with consumption of alcoholic liquor products being an incidental part of the presentation.
- b) Alcoholic liquor product sampling and tastings may be conducted by a manufacturer, non-resident dealer, foreign importer, importing distributor, distributor or retailer or a non-licensee, that complies with Section 100.40 and registers as a tasting representative at retail licensed premises. Only alcoholic liquor products registered with the Commission may be tasted or sampled. Tastings and product sampling may be advertised. The conditions and limitations contained in Section 100.330 and Commission rules shall apply to any manufacturer, non-resident dealer, foreign importer, importing distributor or distributor sponsored tastings or product samplings.
- c) Retail premise alcoholic liquor tastings and product samplings, for which there is no charge to the consumer, may be provided in the following amounts: distilled spirits $\frac{1}{4}$ oz., wine 1 oz. and beer 2 oz.

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- d) A licensee may not conduct alcoholic liquor tastings or product sampling at a non-licensed premise. Licensed premises include those premises for which a Special Use or Special Event License has been issued by the unit of local government having regulatory authority over the premises pursuant to the Act and approved by the Commission.
- e) Cups, napkins, glassware, coasters and trays shall not be deemed to be inside signs or advertising materials and may only be sold to retailers by a manufacturer, non-resident dealer, foreign importer, importing distributor or distributor.
- f) If a retailer previously purchased the alcoholic liquor product to be tasted or sampled, a manufacturer, non-resident dealer, foreign importer, importing distributor or distributor may pay for the product at the retailer's original cost. If the manufacturer, non-resident dealer, foreign importer, importing distributor or distributor supplies the alcoholic liquor product for the tasting or sampling, the product remaining after the tasting or sampling must be returned to the manufacturer, non-resident dealer, foreign importer, importing distributor or distributor.
- g) Alcoholic liquor product samplings or tastings in which the consumer pays a reasonable entrance fee in relation to the amount of alcoholic liquor available for tasting or sampling is permitted, subject to the following conditions and limitations:
- ~~1)~~ ~~The retailer must charge a uniform admission price and is prohibited from treating patrons differently.~~
 - 12) The retailer must use tickets, punch cards or other such reliable means of tracking the amount of alcoholic liquor purchased and consumed by each attendee.
 - 23) Retailer's legal responsibility duties, including, but not limited to, prohibitions against serving alcohol to persons under age 21 and to any intoxicated person, remain unchanged with tasting or product sampling events.
 - 34) The retailer must hold an on-premise consumption license issued by both the local governmental unit and the State. However, the license or permit may be a special use or special event license.

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- h) "Test Marketing" means the testing of new alcoholic liquor products or alcoholic liquor products unfamiliar to the sampler through a marketing firm, or the like. The Commission will grant approval for the test marketing of alcoholic liquor on a case-by-case basis, only upon written request. Requests shall state with specificity the parameters of the testing and shall include, at a minimum, the following information:
- 1) The name and address of the marketing firm conducting the test marketing.
 - 2) The location where the test marketing will be conducted.
 - 3) The number of participants involved.
 - 4) Representation that the age of the participants is 21 years or older.
 - 5) The duration of the test marketing.
 - 6) The total amount of alcoholic liquor involved in the test marketing and the total amount of alcoholic liquor to be given or furnished to each participant.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 100.310 Food Service at Park Districts (Repealed)

- a) ~~Section 6-15 of the Act [235 ILCS 5/6-15] requires food service in buildings of golf courses owned by municipalities or park districts, if alcoholic liquors are to be delivered and sold in such buildings.~~
- b) ~~Said food service does not require the kitchen and dining room equipment called for in Section 1-3.23 of the Act [235 ILCS 5/1-3.23].~~
- e) ~~Said food service shall consist of the service of sandwiches of any kind, including hot and cold sandwiches, hot dogs, hamburgers, pizzas, tacos, and any other substantial foodstuff, excluding the service of peanuts, pretzels, potato chips, popcorn or ice cream cones.~~

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(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 100.370 Procedures Before the Commission (Repealed)

~~Pursuant to Sections 3-12, 3-13 and 7-6 of the Act [235 ILCS 5/3-12, 3-13 and 7-6] and the Illinois Administrative Procedure Act [5 ILCS 100]: The provisions of the Illinois Administrative Procedure Act concerning procedures in contested cases and licensing matters shall be applicable in all proceedings before this Commission on citations.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 100.380 Ex Parte Consultations (Repealed)

~~Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13] and Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60]: Except in the disposition of matters which they are authorized by law to entertain or dispose of on an ex parte basis, neither Commission members, Department of Revenue employees assigned to Commission functions nor hearing examiners shall, after notice of hearing in a contested case or licensing to which the procedures of a contested case apply under this Act, communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or representative of such party, except upon notice and opportunity for all parties to participate. However, a Commission member may communicate with other members of the Commission or employees of the Department, and a Commission member, Department employee or hearing examiner may have the aid and advice of one or more personal assistants.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 100.390 Transcripts – Administrative Review (Repealed)

~~Pursuant to Section 7-11 of the Illinois Liquor Control Act [235 ILCS 7-11] and Section 3-109 of the Illinois Administrative Review Law [735 ILCS 5/3-109], any party seeking judicial review of any order of the Commission shall pay the cost of the transcripts of such hearings conducted by the Commission, which shall become a part of the official record. The party requesting administrative review in the Circuit Court shall pay to the Commission the costs of preparing and certifying the record of the proceedings before the Commission. Failure to make that payment prior to the time the Commission's answer to the complaint is due shall relieve the Commission of the necessity of filing the answer required in Section 3-108 of the Administrative Review Law and shall be authority for the entry of an order by the court, on motion therefor by the Commission, dismissing the complaint with costs.~~

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(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 100.420 Wine Maker Self-Distribution (Repealed)

~~An in-state and out-of-state maker of wine may sell its own manufactured wine directly to retail license holders if it:~~

- ~~a) has been issued a federal Basic Permit to make wine by the Tax and Trade Bureau of the US Department of the Treasury;~~
- ~~b) has been issued a valid wine-making license by a licensing authority of any state or territory of the United States;~~
- ~~e) does not hold any other manufacturer's license to make any other type of alcoholic liquor;~~
- ~~d) and its officers, managers, partners, owners who own more than 5% of the maker of wine, and any other affiliated entity or individual person annually produce less 25,000 gallons of wine;~~
- ~~e) and its officers, managers, partners, owners who own more than 5% of the maker of wine, and any other affiliated entity or individual person annually sell 5,000 gallons of wine or less direct to retailers;~~
- ~~f) pays all necessary State of Illinois excise taxes for the manufacture and importation of wine.~~
- ~~g) an out-of-state maker of wine must have a valid Illinois winery shipper's license prior to the issuance of a self-distribution exemption and at all times while self-distributing.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 100.430 Craft Brewer Self-Distribution (Repealed)

~~An in-state and out-of-state maker of beer may sell its own manufactured beer directly to retail license holders if it:~~

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- a) ~~has been issued a federal Brewer's Notice to make beer by the Tax and Trade Bureau of the US Department of the Treasury;~~
- b) ~~has been issued a valid beer making license by a licensing authority of any state or territory of the United States;~~
- c) ~~has been issued an Illinois Brewer License or an Illinois Non-resident Dealer License;~~
- d) ~~does not hold any other manufacturer's license to make any other type of alcoholic liquor;~~
- e) ~~and any of its officers, managers, partners, owners who own more than 5% of the brewer, and any other affiliated entity or individual person annually produces less than 930,000 gallons (30,000 barrels) of beer;~~
- f) ~~and any of its officers, managers, partners, owners who own more than 5% of the brewer, and any other affiliated entity or individual person annually sells not more than 232,500 gallons (7500 barrels) of beer direct to retailers;~~
- g) ~~pays all necessary State of Illinois excise taxes for the manufacture and importation of beer;~~
- h) ~~in accordance with Section 3-12(a)(18)(B)(3) submits an affidavit demonstrating with specific evidence its efforts to contact distributors for the purpose of establishing distributor relationships.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Outfitter Regulations
- 2) Code Citation: 17 Ill. Adm. Code 640
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
640.10	Amendment
640.20	Amendment
640.30	Amendment
640.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to simplify and reduce the reporting requirements and to clarify what constitutes "guidance or opportunity on private or leased lands".
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Javonna Ackerman, Legal Counsel
Department of Natural Resources

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One Natural Resources Way
Springfield IL 62702-1271

217/557-0126

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2017

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 640
OUTFITTER REGULATIONS

Section	
640.10	Definitions
640.20	Minimum Standards
640.30	Application Requirements
640.40	Permit Fees
640.50	Acceptance or Rejection of Applications
640.60	Term of Permit
640.70	Violations
640.80	Penalty

AUTHORITY: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].

SOURCE: Adopted at 26 Ill. Reg. 18019, effective February 1, 2003; amended at 29 Ill. Reg. 12483, effective July 28, 2005; amended at 39 Ill. Reg. 9373, effective June 26, 2015; amended at 42 Ill. Reg. _____, effective _____.

Section 640.10 Definitions

Class A Permit – permit required for deer and turkey outfitters.

Class B Permit – permit required for waterfowl outfitters.

Client – an individual who provides, or who has provided on his or her behalf, financial or other consideration to an outfitter in exchange for outfitting services.

Department – the Illinois Department of Natural Resources (IDNR).

Guide – an individual providing guide services to clients of an outfitter.

Guide Services – any of the following: providing advice to the hunter while

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hunting about how and/or where to conduct his/her hunt, setting decoys, calling, stalking, pursuing, tracking, retrieving game, field dressing, caring for meat, field preparation of trophies including skinning or capeing, carriage of hunters in the field, carriage of hunter's equipment in the field or carriage of waterfowl, deer or turkey harvested by hunters.

Harvest Information Program or HIP – an annual registration mandated for gamebird hunters by the National Migratory Bird Harvest Program to compile annual wildlife estimates for waterfowl, doves and other migratory game birds.

Outfitter – a person (as defined in the Wildlife Code [520 ILCS 5/1.2]), including an officer or employee of a person, who provides or offers to provide outfitting services for waterfowl, deer or wild turkey hunting.

Outfitting Services – any service that, for financial or other consideration, offers or promises waterfowl, deer and/or wild turkey hunting access, assistance, guidance or opportunity on private or leased lands by way of one or more of the following:

guides, guide services, or bringing or retrieving equipment, stands, blinds, decoys or a client to or from the field; or

access to property that the person providing access leases or rents for waterfowl, deer and/or wild turkey hunting; or

access to property subleased, at least in part, for waterfowl, deer or wild turkey hunting;

~~an individual or business that solicits or secures waterfowl, deer and/or turkey hunting clients for a landowner or tenant or another outfitter.~~

The following are not considered outfitting services for the purposes of this Part:

a hunting lease granted by a landowner to a hunter or group of hunters;

providing transportation to or from a place of accommodation or a hub of public transportation;

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for the purpose of waterfowl hunting, landowners or waterfowl hunting clubs or organizations that:

do not take compensation or fees other than annual membership and annual maintenance fees;

do not accept paying hunters on a day-to-day basis and are otherwise closed to the public; or

provide only waterfowl blinds or pits.

Resident Corporation – for the purpose of outfitter permitting, a resident corporation is an Illinois corporation that has been in existence for at least 30 days prior to submitting an application for an outfitter permit, and in which more than 50% of the stock is owned by Illinois resident individuals.

Resident Limited Liability Company – for the purpose of outfitter permitting, a resident limited liability company (LLC) is an Illinois LLC that has been in existence at least 30 days prior to submitting an application for an outfitter permit and in which more than 50% of the value of all units is held by Illinois resident individuals.

Waterfowl Blind or Pit – an area of concealment that is used to hide hunters from the sight of waterfowl.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 640.20 Minimum Standards

- a) An outfitter shall:
 - 1) have a current valid Illinois outfitter permit;
 - 2) be at least 21 years of age; if the outfitter permit is held by a business entity, then a responsible individual who is an officer in the business entity must be designated on the application as the contact person;

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- 3) not have had his or her hunting privileges under the Wildlife Code suspended, or any of his or her hunting licenses revoked, within any period during the last 5 years. If the outfitter is a business entity, no officer, employee or contact person shall have had hunting privileges or licenses suspended or revoked within any period during the past 5 years;
- 4) provide to each client, prior to commencement of outfitting services, in writing, the following: the type of service provided, the dates of service, the cost of services, and a copy of the outfitter's refund policy;
- 5) be responsible for ensuring each client has the necessary permits, stamps, Harvest Information Program (HIP) registration and licenses prior to any hunting;
- 6) indicate clearly to each client the boundaries of the property on which the client is to hunt and instruct each client as to how to conduct the hunt (i.e., special rules, restricted areas, etc.);
- 7) make no guarantees, either oral or written, as to the success of the hunt;
- 8) not misrepresent his or her facilities, prices, equipment, services or hunting opportunities;
- 9) not take or attempt to take any wildlife on behalf of the client;
- 10) for Class A Permit ~~only~~: maintain a current log ~~on forms provided by the Department~~, of all individuals who hunt on the property controlled under the outfitter permit, including the following: name, dates they hunted, ~~their~~ Department customer identification number, permit number and harvest information (including the species, harvest confirmation numbers and sex of the harvested animal and ~~approximate age of the harvested animals, whether the hunter was a paying client or a free hunter~~). This log must be submitted to the Department within 30 days after the close of the seasons in which the Class A outfitter is operating. A copy must also be maintained by the outfitter for 5 years~~A copy of this log must be maintained by the outfitter for 5 years and the original shall be submitted to the Department within 30 days after the close of the seasons in which the Class A outfitter is operating;~~

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- 11) for Class B Permits: maintain a current log of all individuals who hunt on the property controlled under the outfitter permit, including the following: name, dates hunted, Department customer identification number and harvest information (including the species and sex of the harvested animal). This log must be submitted to the Department within 30 days after the close of the latest waterfowl seasons in which the Class B outfitter is operating. A copy must also be maintained by the outfitter for 5 years; and require all waterfowl hunters to register daily, on the daily registration forms provided by the Department, prior to entering the field to hunt on the area covered by his/her permit. Each hunter shall personally enter his or her name, Department customer identification number and mailing address on the daily registration form.
- A) ~~The outfitter shall require each hunter, at the completion of each hunting day, to report the number of species (including sex for mallard ducks only) of migratory waterfowl that the hunter has taken using forms provided by the Department. The hunter must personally complete this report and certify by signature that the information is accurate.~~
- B) ~~The outfitter shall make all records described in this Part available for inspection upon request by authorized employees of the Department or any federal or State law enforcement officer, and shall keep a copy of the hunter registration forms for at least 7 years after completion. Failure to comply with any required recordkeeping obligations can result in the revocation of a permit or suspension of permit privileges for a period of up to 5 years.~~
- C) ~~The original hunter registration forms (waterfowl kill sheets) shall be submitted to the Department, at the address specified on the forms provided by the Department, within 30 days after the close of the latest waterfowl season;~~
- 12) ~~for outfitters whose only service is to solicit and secure clients for a landowner or tenant or other outfitters, keep a record, on forms provided by the Department, of all clients and landowners or tenants utilizing their services. The record must contain the client, landowner and tenant (if~~

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~~applicable) names, addresses, phone numbers, and both a legal description and common address of the property to be hunted. This record shall be submitted to the Department by the permit holder within 30 days after completion of any agreement between a hunter and a landowner or tenant; and~~

~~1213)~~ if the permit holder performs guide services in addition to outfitting services, comply with the requirements of subsection (b).

- b) A guide shall:
- 1) not have had his or her hunting license revoked or hunting privileges suspended under the Wildlife Code for any period of time during the past 5 years;
 - 2) unless exempt by law, have a current Illinois hunting license and habitat stamp (Class A Permit only) or a current hunting license, State and federal waterfowl stamp, and HIP registration (Class B Permit only);
 - 3) have proof of successful completion of a State-approved hunter-safety course;
 - 4) comply with, and ensure that all clients comply with, all State and federal wildlife and weapons laws and regulations; and
 - 5) not take or attempt to take any wildlife on behalf of the client.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 640.30 Application Requirements

In order to obtain a permit to operate as an outfitter, the applicant must submit to the Department of Natural Resources, Outfitter Services, One Natural Resources Way, Springfield IL 62702-1271, an application containing the following information:

- a) The name, address, date of birth, phone number and Social Security Number of the applicant, if an individual; or if a business entity, the company, corporation, limited liability company or partnership name, along with a copy of the

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organization papers filed with the Secretary of State and/or the certification of compliance with the Assumed Business Name Act from the County Clerk, and the name, address, date of birth, phone number and Social Security Number of the contact person, with a certification the applicant is an Illinois resident or a non-resident of Illinois.

- b) A listing of the county, township, range, section, acres and landowner name of the property where the outfitting services will be provided.
- c) A description of hunting activities proposed for the current year, including the approximate number of hunters, type of hunting to occur (waterfowl, deer or turkey hunting), and the type of ~~hunting devices~~~~weapons~~ to be used.
- d) Class A outfitters must provide a management plan for each species (deer or turkey) to be hunted by providing complete and accurate information as requested on the standardized form provided by the Department. ~~A management plan is not required for outfitters who only solicit or secure waterfowl, deer and/or turkey hunting clients for a landowner or tenant or another outfitter.~~
- e) Proof of current commercial liability insurance for property damage, personal injury and death with a minimum benefit of \$1,000,000.
- f) A list of any guides to be employed, and any guides who quit or whose employment was terminated, with the name, address, date of birth, and Social Security Number of each guide. This list may be modified at any time by providing the change in writing to the Office of Law Enforcement, IDNR, One Natural Resources Way, Springfield IL 67202-1271.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 640.50 Acceptance or Rejection of Applications

- a) Incomplete or inadequate applications shall be returned to the applicant with a summary of deficiencies.
- b) Incomplete or inadequate applications may be completed and re-submitted within 15 days, or until the end of the application period, whichever is longer.

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- c) Applications for permits will be accepted January 31 through July 15 of each year, inclusive. Addendums adding acreage may be added to the outfitter's permit by notifying the Department within 24 hours after gaining legal access to the property. Addendums shall include the information required under Section 640.30(b). Acceptable methods of notification to the Department will be email, fax or online. Addendums for properties obtained and utilized only during the emergency light goose season shall be exempt from reporting as required in this Section.
- d) ~~For Class A Permits: If an outfitter allows deer/turkey populations to increase to the point that they have an abnormal detrimental impact on crops, public safety or environmental conditions in the immediate area, the Department will inform the outfitter of that impact or effect. If, after one year, no reasonable effort has been made to resolve the impact or effect, that outfitter will be warned that remedial action must be taken or his/her outfitter permit will not be renewed. If, after the warning, the outfitter does not institute a reasonable remedial action, the application for renewal will be rejected and that person shall be ineligible for an outfitter permit for a year. Eligibility for a new permit shall be dependent upon submission of a complete new application along with a management plan detailing actions or modifications to be employed to remedy the problem and responsibly manage the wildlife.~~
- de) Full applications shall be required every 5 years. The annual renewal shall require:
- 1) payment of the fee required by Section 640.40;
 - 2) proof of insurance;
 - 3) a new complete property listing as required by Section 640.30(b); and
 - 4) regardless of whether the hunter was a paying client or a free hunter, a report of harvest that provides:
 - A) the number of hunter days; and
 - B) the total number taken of:

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- i) male and female deer (Class A);
- ii) [male and female](#) turkey (Class A); and
- iii) waterfowl, with a separate listing for ducks and geese (Class B).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Number: 390.250 Proposed Action: Amendment
- 4) Statutory Authority: MC/DD Act [210 ILCS 46]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking amends language to delete the requirement for including social security numbers on application and renewal forms, and cleans up language to more closely reflect the language of the MC/DD Act.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rule does not create a state mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Elizabeth Paton

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Assistant General Counsel
Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: MC/DD facilities
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties

DEPARTMENT OF PUBLIC HEALTH

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390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators (Repealed)
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
390.500	Administrator

SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.625	Pre-admission Assessment and Request for Criminal History Record Information (Repealed)
390.630	Admission, Retention and Discharge Policies
390.635	Identified Offenders (Repealed)
390.636	Discharge Planning for Identified Offenders (Repealed)
390.637	Transfer of an Identified Offender (Repealed)
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.682	Resident Attendants
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Incidents and Accidents

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390.750 Contacting Local Law Enforcement
390.760 Infection Control

SUBPART D: PERSONNEL

Section
390.810 General
390.820 Categories of Personnel
390.830 Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section
390.1010 Service Programs
390.1020 Medical Services
390.1025 Life-Sustaining Treatments
390.1030 Physician Services
390.1035 Tuberculin Skin Test Procedures
390.1040 Nursing Services
390.1050 Dental Care Services
390.1060 Physical and Occupational Therapy Services
390.1070 Psychological Services
390.1080 Social Services
390.1090 Speech Pathology and Audiology Services
390.1100 Recreational and Activity Services
390.1110 Educational Services
390.1120 Work Activity and Prevocational Training Services
390.1130 Communicable Disease Policies
390.1140 Vaccinations
390.1150 Language Assistance Services

SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

Section
390.1310 Restraints
390.1312 Nonemergency Use of Physical Restraints
390.1314 Emergency Use of Physical Restraints
390.1316 Unnecessary, Psychotropic, and Antipsychotic Drugs

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- 390.1320 Behavior Management
- 390.1330 Behavior Emergencies (Repealed)

SUBPART G: MEDICATIONS

Section

- 390.1410 Medication Policies and Procedures
- 390.1420 Compliance with Licensed Prescriber's Orders
- 390.1430 Administration of Medication
- 390.1440 Labeling and Storage of Medications
- 390.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 390.1610 Resident Record Requirements
- 390.1620 Content of Medical Records
- 390.1630 Confidentiality of Resident's Records
- 390.1640 Records Pertaining to Residents' Property
- 390.1650 Retention and Transfer of Resident Records
- 390.1660 Other Resident Record Requirements
- 390.1670 Staff Responsibility for Medical Records
- 390.1680 Retention of Facility Records
- 390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 390.1810 Director of Food Services
- 390.1820 Dietary Staff in Addition to Director of Food Services
- 390.1830 Hygiene of Dietary Staff
- 390.1840 Diet Orders
- 390.1850 Meal Planning
- 390.1860 Infant and Therapeutic Diets
- 390.1870 Scheduling Meals
- 390.1880 Menus and Food Records
- 390.1890 Food Preparation and Service
- 390.1900 Preparation of Infant Formula

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- 390.1910 Food Handling Sanitation
- 390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

- Section
- 390.2010 Maintenance
- 390.2020 Housekeeping
- 390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- Section
- 390.2210 Furnishings
- 390.2220 Equipment and Supplies
- 390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- Section
- 390.2410 Codes
- 390.2420 Water Supply
- 390.2430 Sewage Disposal
- 390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

- Section
- 390.2610 Applicability of these Standards
- 390.2620 Codes and Standards
- 390.2630 Preparation of Drawings and Specifications
- 390.2640 Site
- 390.2650 Administration and Public Areas
- 390.2660 Nursing Unit
- 390.2670 Dining, Play, Activity/Program Rooms
- 390.2680 Therapy and Personal Care
- 390.2690 Service Departments
- 390.2700 General Building Requirements

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390.2710	Structural
390.2720	Mechanical Systems
390.2730	Plumbing Systems
390.2740	Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section	
390.2910	Applicability
390.2920	Codes and Standards
390.2930	Preparation of Drawings and Specifications
390.2940	Site
390.2950	Administration and Public Areas
390.2960	Nursing Unit
390.2970	Play, Dining, Activity/Program Rooms
390.2980	Treatment and Personal Care
390.2990	Service Department
390.3000	General Building Requirements
390.3010	Structural
390.3020	Mechanical Systems
390.3030	Plumbing Systems
390.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section	
390.3210	General
390.3220	Medical Care
390.3230	Restraints (Repealed)
390.3240	Abuse and Neglect
390.3250	Communication and Visitation
390.3260	Resident's Funds
390.3270	Residents' Advisory Council
390.3280	Contract With Facility
390.3290	Private Right of Action
390.3300	Transfer or Discharge
390.3310	Complaint Procedures
390.3320	Confidentiality

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390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Section

390.3510 Day Care in Long-Term Care Facilities

- 390.APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
- 390.APPENDIX B Forms for Day Care in Long-Term Care Facilities
- 390.APPENDIX C Guidelines for the Use of Various Drugs
- 390.TABLE A Infant Feeding
- 390.TABLE B Daily Nutritional Requirements By Age Group
- 390.TABLE C Sound Transmissions Limitations
- 390.TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
- 390.TABLE E Sprinkler Requirements
- 390.TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the MC/DD Act [210 ILCS 46].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521,

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effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2258, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5947, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14250, effective August 15, 2003, for a maximum of 150 days; emergency expired January 12, 2004; amended at 27 Ill. Reg. 15949, effective September 25, 2003; amended at 27 Ill. Reg. 18204, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3565, effective November 15, 2003; amended at 28 Ill. Reg. 11231, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 12025, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15301, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12988, effective August 2, 2005; amended at 30 Ill. Reg. 1473, effective January 23, 2006; amended at 30 Ill. Reg. 5383, effective March 2, 2006; amended at 31 Ill. Reg. 6145, effective April 3, 2007; amended at 31 Ill. Reg. 8864, effective June 6, 2007; amended at 33 Ill. Reg. 9406, effective June 17, 2009; amended at 34 Ill. Reg. 19239, effective November 23, 2010; amended at 35 Ill. Reg. 3495, effective February 14, 2011; amended at 39 Ill. Reg. 5503, effective March 25, 2015; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section 390.250 Ownership Disclosure

- a) *As a condition of the issuance or renewal of the license of any facility, the applicant shall file a statement of ownership. The applicant shall ~~update~~ notify the Department of any change in the information required in the statement of ownership within ~~10~~ten days ~~after any of the~~ change. (Section 3-207(a) of the Act)~~(Section 3-207(a) of the Act)~~*
- b) *The statement of ownership shall include the following:*~~A statement of ownership shall include the following:~~
- 1) *The name, address, telephone number, occupation or business activity, business address and business telephone number of the person who is the owner of the facility and every person who owns the building in which the facility is located, if other than the owner of the facility, which is the subject of the application or license;*~~The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number~~
 - 2) *If the owner is a partnership or corporation, the name of every partner and stockholder of the owner (3-207(b) of the Act);*
 - 3) *The*~~and the~~ *percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or more in the legal entity designated as the operator/licensee of the facility ~~that~~which is the subject of the application or license;*
 - 4) *The name, address, ~~Social Security Number,~~ telephone number, occupation or business activity, business address, business telephone number and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or more in the legal entity that owns the building in which the operator/licensee is operating the facility ~~that~~which is the subject of the application or license; and*
 - 5) *The name and address of any facility, wherever located, ~~any financial interest in which is owned by the applicant, if the facility were required to~~*

DEPARTMENT OF PUBLIC HEALTH

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be licensed if it were located in this State~~*in which the applicant has any ownership interest.*~~ (Section 3-207(b) of the Act)

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Freestanding Emergency Center Code
- 2) Code Citation: 77 Ill. Adm. Code 518
- 3) Section Number: 518.1100 Proposed Action:
Amendment
- 4) Statutory Authority: Emergency Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements PA 99-710, which establishes new requirements for ambulance service to freestanding emergency centers.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Elizabeth Paton

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Assistant General Counsel
Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Freestanding Emergency Centers (FEC)
 - B) Reporting, bookkeeping or other procedures required for compliance: FECs will need to maintain current pre-approval records for participation in their respective EMS systems.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 518
FREESTANDING EMERGENCY CENTER CODE

Section

518.1000	Definitions
518.1050	Incorporated and Referenced Materials
518.1100	Freestanding Emergency Center Licensure
518.1150	Initial Licensure Application
518.1155	Application for Annual License Renewal
518.1160	Surveys
518.1165	Complaints
518.1200	Emergency Suspension Orders
518.1250	Violations and Hearings
518.1300	Governing Board
518.1350	Provision of Emergency Services
518.1400	EMS System Participation
518.1450	Patients' Rights
518.1500	Language Assistance Services
518.1550	Personnel Services
518.1600	Personnel Requirements
518.1610	Health Care Worker Background Check
518.1650	Medical Staff Organization
518.1700	Nursing Services
518.1750	Accounting
518.1800	Quality Assurance and Reporting
518.1850	Orders for Medications and Treatments
518.1900	Infection Control
518.1950	Sterilization and Processing of Supplies
518.2000	Laboratory Services
518.2010	Radiological Services
518.2020	Comprehensive Emergency Treatment Services
518.2030	Notification of Emergency Personnel
518.2040	Community or Areawide Planning
518.2050	Disaster and Mass Casualty Program

DEPARTMENT OF PUBLIC HEALTH

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518.2060	Emergency Services for Sexual Assault Survivors
518.2070	Pharmacy Service
518.2080	Housekeeping Service
518.2090	Insect and Rodent Control
518.2100	Laundry Service
518.2110	Food Service
518.2120	Maintenance
518.2130	Fire Safety
518.2140	Water Supply
518.2150	Garbage, Waste and Sewage Handling and Disposal
518.2160	Submission of Architectural Plans
518.2170	Preparation of Drawings and Specifications – Submission Requirements
518.2180	Construction Details
518.2190	Finishes
518.2200	Structural Requirements
518.2210	Mechanical Requirements
518.2220	Plumbing and Other Piping Systems
518.2230	Electrical Requirements
518.2240	Building Requirements
518.ILLUSTRATION A	Seismic Zone Map
518.TABLE A	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
518.TABLE B	Insulation/Building Perimeter
518.TABLE C	Minimum Efficiency Reporting Values

AUTHORITY: Implementing and authorized by Section 32.5 of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Adopted at 22 Ill. Reg. 13756, effective July 10, 1998; amended at 24 Ill. Reg. 14026, effective August 31, 2000; amended at 27 Ill. Reg. 8456, effective May 15, 2003; amended at 33 Ill. Reg. 8317, effective June 4, 2009; amended at 34 Ill. Reg. 12207, effective August 4, 2010; amended at 42 Ill. Reg. _____, effective _____.

Section 518.1100 Freestanding Emergency Center Licensure

- a) The Department ~~will~~shall license freestanding emergency centers pursuant to the Act and this Part.

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- b) A freestanding emergency center shall meet the following requirements:
- 1) *has received a permit from the ~~Illinois~~ Health Facilities and Services Review Board to establish a Freestanding Emergency Center by January 1, 2015~~freestanding emergency center if the application for the permit has been deemed complete by the Department by March 1, 2009;~~*
 - 2) *is located:*
 - A) *in a municipality with a population of 50,000~~75,000~~ or fewer inhabitants;*
 - B) *within 5020 miles of the hospital that owns or controls the freestanding emergency center; and*
 - C) *within 5020 miles of the Resource Hospital affiliated with the freestanding emergency center as part of the EMS system;*
 - 3) *is wholly owned or controlled by an Associate or Resource Hospital, but is not a part of the hospital's physical plant;*
 - 4) *meets the standards for licensed FECs, adopted in this Part, including, but not limited to:*
 - A) *facility design, specification, operation, and maintenance standards;*
 - B) *equipment standards; and*
 - C) *the number and qualifications of emergency medical personnel and other staff, which must include at least one board certified emergency physician present at the FEC 24 hours per day;*
 - 5) *limits its participation in the EMS System strictly to receiving a limited number of patients by ambulance:*
 - A) *According to the FEC's 24-hour capabilities;~~BLS runs by emergency medical vehicles according to~~*

DEPARTMENT OF PUBLIC HEALTH

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- B) *According to protocols developed by the Resource Hospital within the FEC's designated EMS System; and*
- C) *As pre-approved by both the EMS Medical Director and the Department approved by the Project Medical Director and the Department;*
- 6) *provides comprehensive emergency treatment services, as defined in Hospital Licensing Requirements (~~77 Ill. Adm. Code 250~~), 24 hours per day, on an outpatient basis;*
- 7) *provides an ambulance and maintains on site ambulance services staffed with paramedics 24 hours per day;*
- 8) *complies with all State and federal patient rights provisions, including, but not limited to, the Emergency Medical Treatment Act and the federal Emergency Medical Treatment and Active Labor Act;*
- 9) *maintains a communications system that is fully integrated with its Resource Hospital within the FEC's designated EMS System;*
- 10) *reports to the Department any patient transfers from the FEC to a hospital within 48 hours after the transfer plus any other data determined to be relevant by the Department;*
- 11) *submits to the Department, on a quarterly basis, the FEC's morbidity and mortality rates for patients treated at the FEC and other data determined to be relevant by the Department;*
- 12) *does not describe itself or hold itself out to the general public as a full service hospital or hospital emergency department in its advertising or marketing activities;*
- 13) *complies with any other rules adopted by the Department under the Act that relate to FECs;*
- 14) *passes the Department's~~Department's~~ site inspection for compliance with*

DEPARTMENT OF PUBLIC HEALTH

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the FEC requirements of the Act;

- 15) *submits a copy of the permit issued by the Illinois Health Facilities and Services Review ~~and Services Review~~ Board indicating that the facility has complied with the Illinois Health Facilities Planning Act with respect to the health services to be provided at the facility;*
- 16) *submits an application for designation as an FEC in a manner and form prescribed by the Department in this Part; and*
- 17) *pays the annual license fee as determined by the Department. (Section 32.5(a)(~~1~~) of the Act)*

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.7300 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/704A
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends regulation Section 100.7300 to implement the amendments to IITA Section 704A in PA 100-303, which allow the Department to require electronic filing of withholding returns and W-2 information, beginning with calendar 2017 withholding.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.2175	New Section	41 Ill. Reg. 14166, November 27, 2017
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Brian Fliflet
Deputy General Counsel
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Legal Services Office
101 West Jefferson St.
Springfield IL 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking applies to small businesses, small municipalities and not-for-profit corporations that are required to withhold Illinois income tax from their employees.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2017

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in the *Illinois Register* on page 15097.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Number: 110.110 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 200/11-125
- 5) A Complete Description of the Subjects and Issues Involved: Merely involves changing the requirement for publication of assessments from the state's "official newspaper" to the Department of Revenue's website.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Robin Gill
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2017

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 110
PROPERTY TAX CODE

Section	
110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.112	Procedures for Assessment of Section 515 Low-income Housing Projects
110.113	Fraternal Organization Assessment Freeze
110.115	Non-Homestead Exemption Proceedings
110.116	Charitable Exemption Eligibility: Low Income Housing Projects
110.120	Oil Right Lessees and Producers
110.125	Reports to be Filed with the Department
110.130	Hearings and Records of Chief County Assessment Officers
110.135	Review of Assessments – Counties of 3,000,000 or More
110.140	Board of Review Procedures and Records – Counties of Less than 3,000,000
110.141	Farmland Factor Review Procedures (Repealed)
110.145	Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue
110.150	Records Reproduction
110.155	Course and Examination Requirements for Board of Review Members
110.160	Multi-township Assessment Districts
110.162	Township and Multi-township Assessor Qualifications
110.165	Farmland Assessment Review Procedures
110.170	Assessors' Bonus
110.175	Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants
110.180	Supervisor of Assessments Examination
110.190	Property Tax Extension Limitation
110.192	Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code

110.ILLUSTRATION A State of Illinois Board of Review Course and Exam Requirements

DEPARTMENT OF REVENUE

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AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; emergency expired December 29, 1999; amended at 23 Ill. Reg. 14759, effective December 8, 1999; amended at 24 Ill. Reg. 2428, effective January 25, 2000; amended at 25 Ill. Reg. 191, effective December 26, 2000; amended at 25 Ill. Reg. 6396, effective May 1, 2001; amended at 26 Ill. Reg. 3727, effective February 26, 2002; emergency amendment at 27 Ill. Reg. 17094, effective October 24, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1395, effective January 9, 2004; amended at 28 Ill. Reg. 2257, effective January 22, 2004; emergency amendment at 28 Ill. Reg. 9690, effective June 28, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14662, effective October 19, 2004; amended at 28 Ill. Reg. 15599, effective November 17, 2004; amended at 31 Ill. Reg. 12994, effective August 21, 2007; amended at 32 Ill. Reg. 13253, effective July 28, 2008; amended at 34 Ill. Reg. 6921, effective April 29, 2010; amended at 34 Ill. Reg. 11804, effective July 27, 2010; amended at 40 Ill. Reg. 15363, effective October 31, 2016; amended at 42 Ill. Reg. _____, effective _____.

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Section 110.110 Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices

- a) Assessment Procedure
 - 1) The Department shall assess property which has been certified by the Illinois Pollution Control Board to be a pollution control facility or a low sulphur dioxide emission coal fueled device in accordance with Section 11-25 or Section 11-50 of the Property Tax Code [35 ILCS 200/11-25 and 11-50] and this Part.
 - 2) Pollution control facilities are to be valued for property tax purposes in relation to the fair cash value of their economic productivity to their owners. For the purpose of determining the fair cash value of any pollution control facility the Department shall take into consideration the actual or probable net earnings attributable to the facility (capitalized on the basis of its productive earning value to its owner), the probable net value which could be realized by its owner, if the facility was removed and sold at a fair, voluntary sale (giving due account to the expense of removal and condition of the particular facility) and such other information as the Department may consider relevant.
 - 3) For the purpose of determining the fair cash value of low sulphur dioxide emission coal fueled devices for property tax purposes, the Department shall determine such value to be the net value which could be realized by its owner if the device were removed and sold at a fair, voluntary sale, giving due account to the expense of removal, site restoration, and transportation.
 - 4) Upon receiving written notification from the Pollution Control Board of the issuance of a certificate that property in a county is a pollution control facility or a low sulphur dioxide emission coal fueled device, the Department shall submit to the County Board of Review or County Assessor, as the case may be, a copy of the certification with all available descriptive information of the property so certified. The Department shall also submit to such Board of Review or County Assessor a notice on Form No. PTAX-400 that the local assessment, if any, which is assigned to the

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property which has been so certified should be removed from the tax roll. Such notice also shall recite the first assessment year for which the removal from the local property tax roll is to be given effect.

- 5) Upon receipt of the notice described in subsection (a)(4) ~~of this Section~~ the County Board of Review or Assessor shall remove from the local property tax rolls, commencing with the assessment year specified in the said notice, any valuation on such local property tax rolls which can be identified as being directly attributable to the specific facility which has been certified as a pollution control facility or a low sulphur dioxide emission coal fueled device. The county officials shall notify the Department on Form No. PTAX-400 of the action taken.
- 6) Upon the completion of the original assessments to be made by the Department, it shall publish a full and complete list of ~~those such~~ assessments ~~on~~ ~~in~~ the Department's official website at www.tax.illinois.gov/publications ~~State's "official newspaper"~~. Any person or corporation feeling aggrieved by any such assessment may apply to the Department for a review and correction, if necessary, of the assessment, in the manner provided in Section 110.145 ~~of this Part~~.

b) Modification, cancellation or revocation

- 1) In the event that a certificate is modified the Department shall notify the proper local assessing officials of such modification and its effect on the assessed valuation.
- 2) In the event that a certificate has been cancelled or revoked, the Department shall notify the proper assessing officials who then shall assess the property described in said cancelled or revoked certificate for the assessment years indicated.

c) Jurisdiction to determine character of Pollution Control Facilities

The determination of pollution control facilities or of low sulphur dioxide emission coal fueled devices as real or personal property is within the jurisdiction of the Department.

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d) Definitions

"Applicant" means any person whose property has been found to qualify as pollution control facilities.

"Low sulphur dioxide emission coal fueled devices" means those facilities defined in Section 11-40 of the Property Tax Code [35 ILCS 200/11-40].

"Pollution Control Board" means that board which is defined in Section 5 of the Environmental Protection Act [415 ILCS 5/5].

"Pollution Control Facilities" means those facilities defined in Section 11-10 of the Property Tax Code [35 ILCS 200/11-10].

e) Forms

- 1) The Department shall forward annually Form No. PTAX-401, entitled Annual Return, to the applicant beginning with the first assessment year for which the Department is required to assess the pollution control facility or low sulphur dioxide emission coal fueled device of the applicant.
- 2) Form No. PTAX-401 shall be filed annually with the Department at its office in Springfield between the 1st day of April and the 1st day of June.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Aviation Safety
- 2) Code Citation: 92 Ill. Adm. Code 14
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
14.100	Amendment
14.105	Amendment
14.115	Amendment
14.120	Amendment
14.210	Amendment
14.310	Amendment
14.320	Amendment
14.440	Amendment
14.560	Amendment
14.570	Amendment
14.620	Amendment
14.630	Amendment
14.750	Amendment
14.860	Amendment
14.870	Amendment
14.900	Amendment
14.950	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Aeronautics Act [620 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: Throughout this rulemaking, the Department is proposing to remove unnecessary cross references, reduce redundant language, and correct CFR dates. In addition, the following changes are being proposed:

At Section 14.100, Purpose and Applicability, the Department is removing the word "manned" from subsection (b) because aircraft, by definition, means any device designed to carry humans. At the newly numbered subsection (c), the Department is clarifying that unmanned aircraft are not subject to the regulations of this Part. The Department is also updating its contact information.

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At Section 14.105, Definitions, the Department is updating the definition of administrator, removing the definition of VTOL, and adding a definition from 14 CFR 1.1 for unmanned aircraft and powered parachute.

At Section 14.115, Application Process for Original Certificate of Approval, the Department is updating its address. At subsection (c)(1), the Department is removing the requirement that FAA Forms 7480-1 and 7480-2 must be submitted after the initial inspection. The Department will complete these forms on behalf of the applicant. At subsection (d), the Department is removing the term "favorable".

At Section 14.120, Transfer/Modification/Rescission of Certificate of Approval, the Department is removing the term "favorable".

At Section 14.310, Time and Manner of Registration, the Department is updating the registration fee for Federal Airman Certificates to coincide with the fee set by statute.

At Section 14.320, Exhibition of Certificates, the Department is changing the cost of a duplicate certificate from \$3.00 to \$5.00.

At Section 14.440, Dropping Objects from Aircraft, the Department is correcting the indentation of subsection (c).

At Section 14.900, Special Purpose Aircraft Designation, the Department is adding powered parachutes registered with the FAA to the list of aircraft that are considered special purpose aircraft.

At Section 14.950, Special Purpose Aircraft Operations, the Department is adding that powered parachutes may be operated so long as the pilot-in-command and/or owner adheres to all requirements of this Part and to those sections of 14 CFR 91 which are applicable to special purpose aircraft flight and/or operations.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:
- Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764
- Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: A small business, small municipality, or not-for-profit corporation may be indirectly affected by this rulemaking if they reimburse the cost of airman certificates for their employees or if they must pay for a replacement certificate.
- B) Reporting, bookkeeping, or other procedures required for compliance: No additional procedures are required for compliance.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated by the Department when the most recent regulatory agenda was published.

The full text of these Proposed Amendments begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 14
AVIATION SAFETY

SUBPART A: GENERAL PROVISIONS

Section	
14.100	Purpose and Applicability
14.105	Definitions
14.110	Operation Without Certificate of Approval Unlawful
14.115	Application Process for Original Certificate of Approval
14.120	Transfer/Modification/Rescission of Certificate of Approval
14.130	Waivers

SUBPART B: AIRCRAFT REGISTRATION

Section	
14.200	Registration of Aircraft
14.210	Time and Manner of Registration
14.220	Exhibition of Certificates
14.230	Exceptions to Registration Requirements

SUBPART C: AIRMAN REGISTRATION

Section	
14.300	Registration of Airman
14.310	Time and Manner of Registration
14.320	Exhibition of Certificates
14.330	Exceptions to Registration Requirements

SUBPART D: AIR SAFETY

Section	
14.400	Applicability
14.410	Responsibility and Authority of Pilot
14.420	Use of Liquor, Narcotics and Drugs
14.430	Transportation of Explosives, Dangerous Articles or Illegal Substances
14.440	Dropping Objects from Aircraft
14.450	Fuel Requirements for Flight in VFR Conditions

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14.460 Fuel Requirements for Flight in IFR Conditions

SUBPART E: AIRPORTS

Section

14.500 Airport Classification
14.510 Application for Certificate of Approval
14.520 Design and Layout Requirements
14.530 Obstructions
14.540 Airport Marking
14.550 Facilities
14.560 Responsibility of a Public-Use Airport Certificate Holder
14.570 Responsibility of a Private-Use Airport Certificate Holder
14.580 Restrictions on Use

SUBPART F: AIRPORTS FOR NON-CONVENTIONAL AIRCRAFT

Section

14.600 Airport Classification
14.610 Application for Certificate of Approval
14.620 Public-Use of Airports for Non-Conventional Aircraft
14.630 Private-Use of Airports for Non-Conventional Aircraft
14.640 Restrictions on Use

SUBPART G: RESTRICTED LANDING AREAS

Section

14.700 Restricted Landing Area Classification
14.710 Application for Certificate of Approval
14.720 Design and Layout Requirements
14.730 Obstructions
14.740 Facilities
14.750 Responsibility of a Restricted Landing Area Certificate Holder
14.760 Fly-In Events, Prevention of Accidents Due to Overcrowding of Landing Areas
14.770 Restrictions on Use

SUBPART H: HELIPORTS/VERTIPOINTS

Section

14.800 Heliport/Vertiport Classification
14.810 Application for Certificate of Approval

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- 14.820 Design and Layout Requirements
- 14.830 Obstructions
- 14.840 Heliport Marking
- 14.850 Facilities
- 14.860 Responsibility of a Public-Use Heliport Certificate Holder
- 14.870 Responsibility of a Private-Use Heliport, Restricted Landing Area Heliport,
and Hospital Heliport Certificate Holder
- 14.880 Restrictions on Use

SUBPART I: SPECIAL PURPOSE AIRCRAFT

- Section
- 14.900 Special Purpose Aircraft Designation
- 14.910 Registration of Special Purpose Aircraft
- 14.920 Exemption from Registration
- 14.930 Compliance with Aircraft Registration
- 14.940 Liability
- 14.950 Special Purpose Aircraft Operations
- 14.960 Saving Clause

SUBPART J: ULTRALIGHTS AND ULTRALIGHT TRAINERS

- Section
- 14.1000 Registration for Ultralights and Ultralight Trainers
- 14.1010 Liability
- 14.1020 Ultralight/Ultralight Trainer Operations
- 14.1030 Saving Clause

SUBPART K: PRACTICE AND PROCEDURE

- Section
- 14.1100 Purpose and Applicability
- 14.1105 Filing of Documents
- 14.1110 Formal Specifications
- 14.1115 Copies
- 14.1120 Verification of Documents
- 14.1125 Identity of Filer
- 14.1130 Amendment of Documents
- 14.1135 Responsive Documents
- 14.1140 Service of Documents
- 14.1145 Appearances

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- 14.1150 Informal Participation in Hearing Cases
 - 14.1155 Formal Participation
 - 14.1160 Computation of Time
 - 14.1165 Extensions of Time
 - 14.1170 Motions
 - 14.1175 Answers to Motions
 - 14.1180 Subpoenas
 - 14.1185 Administrative Law Judge (ALJ)
 - 14.1190 Hearings
 - 14.1195 Petition for Rehearing
 - 14.1196 Administrative Review
- 14.APPENDIX A Airport Standards
- 14.ILLUSTRATION A Airports (Public- or Private-Use) Minimum Dimensional Standards
 - 14.ILLUSTRATION B Airports (Public- or Private-Use) Minimum Separation & Gradient Standards
 - 14.ILLUSTRATION C Ultralight/STOL Airports (Public- or Private-Use) Minimum Dimensional Standards
 - 14.ILLUSTRATION D Ultralight/STOL Airports (Public- or Private-Use) Minimum Separation & Gradient Standards
 - 14.ILLUSTRATION E Airports (Public- or Private-Use) Line of Sight
 - 14.ILLUSTRATION F Airports (Public- or Private-Use) Visual Runway Markings
 - 14.ILLUSTRATION G Airports (Public- or Private-Use) Numerals Detail
 - 14.ILLUSTRATION H Airports with Non-Standard Traffic Patterns (Public- or Private-Use) Segmented Circle Detail
 - 14.ILLUSTRATION I Airports (Public- or Private-Use) Displaced Threshold Markings
 - 14.ILLUSTRATION J Airports (Public- or Private-Use) Closed Airport and Closed Runway Marker
- 14.APPENDIX B Airport Facility Requirements and Restrictions on Use
- 14.TABLE A Facility Requirements
 - 14.TABLE B Restrictions on Use
- 14.APPENDIX C Airports for Non-Conventional Aircraft Standards
- 14.ILLUSTRATION A Airports for Non-Conventional Aircraft Minimum Dimensional Standards
- 14.APPENDIX D Airports for Non-Conventional Aircraft Restrictions on Use
- 14.TABLE A Restrictions on Use

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- 14.APPENDIX E Restricted Landing Areas Standards
- 14.ILLUSTRATION A Restricted Landing Areas Minimum Dimensional Standards
 - 14.ILLUSTRATION B Restricted Landing Areas Minimum Separation & Gradient Standards
 - 14.ILLUSTRATION C Ultralight/STOL Restricted Landing Areas Minimum Dimensional Standards
 - 14.ILLUSTRATION D Ultralight/STOL Restricted Landing Areas Minimum Separation & Gradient Standards
 - 14.ILLUSTRATION E Restricted Landing Areas Displaced Threshold Markings
 - 14.ILLUSTRATION F Restricted Landing Areas Closed RLA & Closed Runway Marker
- 14.APPENDIX F Restricted Landing Areas Restrictions on Use
- 14.TABLE A Restrictions on Use
- 14.APPENDIX G Heliport/Vertiport Standards
- 14.ILLUSTRATION A Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards
 - 14.ILLUSTRATION B Restricted Landing Area Heliport Minimum Dimensional Standards
 - 14.ILLUSTRATION C Hospital Heliport Minimum Dimensional Standards
 - 14.ILLUSTRATION D Heliports Sample Obstruction Clearance Slope Calculations
 - 14.ILLUSTRATION E Public or Private Heliport (Non-Hospital) Typical Heliport Marking
 - 14.ILLUSTRATION F Rooftop or Elevated Hospital Heliport Typical Heliport Marking
 - 14.ILLUSTRATION G Surface Hospital Heliport Typical Heliport Marking
- 14.APPENDIX H Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use
- 14.TABLE A Heliport Standards
 - 14.TABLE B Facility Requirements
 - 14.TABLE C Restrictions on Use

AUTHORITY: Implementing and authorized by the Illinois Aeronautics Act [620 ILCS 5].

SOURCE: Part repealed at 28 Ill. Reg. 2298, effective January 26, 2004; new Part adopted at 28 Ill. Reg. 2302, effective January 26, 2004; amended at 37 Ill. Reg. 15127, effective August 30, 2013; amended at 38 Ill. Reg. 20064, effective October 2, 2014; amended at 42 Ill. Reg. _____, effective _____.

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SUBPART A: INTRODUCTION

Section 14.100 Purpose and Applicability

- a) This Part sets forth the standards for the creation, classification, modification, operation, and certification of public and private aircraft landing areas, and it also regulates airmen and aircraft.
- b) This Part applies to all ~~manned~~ aircraft, including those not required to be registered with or approved by the Federal Aviation Administration (the FAA).
- c) This Part does not apply to unmanned aircraft.
- d) The Department of Transportation (the Department) will apply and interpret this Part, whenever practicable, in a manner consistent with the federal government and with other states.
- e) All forms referenced in this Part may be obtained by contacting the Division of Aeronautics (the Division) by phone at 217-785-8516, by writing to or visiting the Division at 1 Langhorne Bond Drive, ~~Capital Airport~~, Springfield, ~~Illinois~~ 62707, by e-mail at ~~dot.aero@illinois.gov~~, ~~Aero@nt.dot.state.il.us~~ or by accessing the Division's web site at ~~www.dot.illinois.gov~~, ~~www.dot.state.il.us~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 14.105 Definitions

For purposes of this Part, the words, terms, and phrases listed shall have the meanings ascribed to them as follows:

"Act" means the Illinois Aeronautics Act [620 ILCS 5].

"Administrator" means the Federal Aviation Administrator or any person to whom he or she has delegated his or her authority in the matter concerned. (See 14 CFR 1.1 (January 1, 2017).)as used, except as otherwise specifically provided in 14 CFR 1, effective October 1, 2002, shall mean the Administrator of the FAA or an officer or employee of the Administrator of the FAA designated by him in writing for the purpose specified in that designation.

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"Aerobatic Flight" means maneuvers intentionally performed by an aircraft involving an abrupt change in attitude or an abnormal attitude or acceleration not necessary for normal flight.

"Aeronautics" means transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities and air instruction. (See Section 2 of the Act.)

"Air Navigation" means the operation or navigation of aircraft in the airspace over this State, or upon any airport or restricted landing area within this State. Air ~~navigation~~Navigation does not mean the taxiing of aircraft on the ground for repositioning or maintenance purposes. (See Section 10 of the Act.)

"Air Navigation Facility" means any facility other than one owned or controlled by the federal government, used in, available for use in, or designed for use in, aid of air navigation, including airports, heliports/vertiports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instruments or devices used or useful as an aid, or constituting an advantage or convenience, to the safe takeoff, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, heliport/vertiport, or restricted landing area, and any combination of any or all such facilities. (See Section 9 of the Act.)

"Aircraft" means any device used or designed to carry humans in flight as specified by the Division in this Part. All devices required to be licensed as "aircraft" by the FAA on the effective date of this Part are "aircraft". The Division has, by Subpart J ~~of this Part~~, specified the extent to which aircraft not required to be licensed by the FAA are subject to the provisions of this Part. (See Section 3 of the Act.)

"Airman" means any individual who operates or is licensed to operate an aircraft in flight. Airman as used in this Part also means pilot. (See Section 12 of the Act.)

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"Airplane" means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings. (See 14 CFR ~~1.14~~, effective ~~(January~~ ~~October~~ 1, ~~2017~~~~2002~~.)

"Airport" means:

any area of land, water, or both, except a restricted landing area, that is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo; ~~and,~~

all appurtenant areas used or suitable for airport buildings or other airport facilities; ~~;~~ and

all appurtenant rights-of-way, whether established before or after the effective date of this Part. (Various airport classifications may be found in Subpart E, Subpart F, and Subpart H ~~of this Part~~.) (See Section 6 of the Act.)

"Airport Hazard" means any structure, object of natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or takeoff at any airport or restricted landing area or is otherwise hazardous to the landing or takeoff of aircraft. (See Section 22 of the Act.)

"Applicant" means, but is not limited to, the person, trust, company, governmental body, corporation, limited liability company, or association to whom a Certificate of Approval may be issued.

"Certificate Holder" means, but is not limited to, the person, trust, company, governmental body, corporation, limited liability company, or association to whom a Certificate of Approval has been issued.

"Certificate of Approval" means a certificate issued by the Division approving the operation of an airport or restricted landing area as specified by the Division.

"Certificate of Registration" means a certificate issued by the Division indicating that, for purposes of Subpart B ~~of this Part~~, an individual has registered his or her FAA license, certificate or permit with the Division for his or her aircraft; and, for

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purposes of Subpart C ~~of this Part~~, means a certificate issued by the Division indicating that an individual has registered his current and appropriate FAA issued pilot certificate with the Division.

"Civil Aircraft" means any aircraft other than a public aircraft. (See Section 5 of the Act.)

"Department" means the Illinois Department of Transportation.

"Design Helicopter" ~~or~~ "VTOL Aircraft" means a generic rotorcraft ~~or~~ vertical takeoff or landing (VTOL) aircraft that reflects the maximum size of all helicopters/VTOL aircraft expected to operate at the heliport/vertiport.

"Displaced Threshold" means a threshold that has been displaced to provide for obstruction clearance. The portion of runway behind a displaced threshold may be available for takeoffs in either direction or landings from the opposite direction.

"Division" means the Illinois Department of Transportation, Division of Aeronautics, 1 Langhorne Bond Drive, Capital Airport, Springfield, ~~Illinois~~ 62707-8415.

"FAA" means the Federal Aviation Administration.

"Final Approach and Takeoff Area" or "FATO" means a defined object-free area over which the final phase of the approach to a hover, or a landing, is completed and from which the takeoff is initiated.

"Flight Instruction" means the imparting of aeronautical knowledge by ~~an~~ FAA authorized flight instructor specifically involving the actual flight of an aircraft, or by ~~an~~ FAA sanctioned flight instructor involving the actual flight of an Ultralight training aircraft.

"Fly-In Event" means any congregation of aircraft, other than based aircraft, in excess of six aircraft.

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"Heliport/Vertiport" means a generic reference to the area of land, water or structure used, or intended to be used, for the landing and takeoff of helicopters/VTOL aircraft, together with associated buildings and facilities.

"Helistop/Vertistop" means a minimally developed helicopter/VTOL aircraft facility for boarding and discharging passengers or cargo. The heliport/helistop, vertiport/vertistop relationship is comparable to a bus terminal—bus stop relationship with respect to the extent of services provided or expected.

"Hospital Heliport/Vertiport" means a heliport/vertiport limited to serving only helicopters/VTOL aircraft engaged in air ambulance, or hospital related functions.

"IFR" means instrument flight rules.

"Landing Strip" means a portion of the usable area within an airport boundary that either in its natural state or as a result of construction work is suitable for the landing and takeoff of aircraft.

"Modification" means any change to the Certificate of Approval as originally issued by the Division, including, but not limited to, extension or alteration of the airport or restricted landing area, change in ownership, change in classification, or change in status.

"Municipality" means any county, city, village, or town of this State and any other political subdivision, public corporation, authority, or district in this State, or any combination of two or more of the same that is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities. (See Section 20 of the Act.)

"Notice" means a legal document prepared by the Division, to be published in a newspaper in the county in which the airport or restricted landing area sought to be established, altered, or extended is, or is proposed to be located, indicating that the Division intends to enter an Order regarding the application for the proposed airport or restricted landing area, or the alteration or extension thereof. (See Section 60 of the Act.)

"Nuisance" means operating an aircraft in an annoying or vexatious manner.

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"Operation of Aircraft or Operate Aircraft" means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft. Any person who causes or authorizes such use of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft. Operation of aircraft does not mean ground movement for repositioning or maintenance purposes. (See Section 11 of the Act.)

"Order" means a legal document prepared by the Division, to be published in a newspaper in the county in which the airport or restricted landing area sought to be established, altered, or extended is, or is proposed to be located, that may either grant or deny an application for a Certificate of Approval. If granted, the Order allows the applicant to begin construction of the proposed airport or restricted landing area, or the alteration or extension thereof. (See Section 60 of the Act.)

"Person" means, but is not limited to, any individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, joint venture, public service corporation, or body politic; and includes any trustee, receiver, assignee, or other similar representative. (See Section 17 of the Act.)

"Pilot" means airman.

"Pilot-in-Command" means the person who:

has final authority and responsibility for the operation and safety of the flight; ~~and,~~

has been designated as pilot-in-command before or during the flight; and,

holds the appropriate category, class, and type rating, if appropriate, for the conduct of the flight.

"Powered Parachute" means a powered aircraft comprised of a flexible or semi-rigid wing connected to a fuselage so that the wing is not in position for flight until the aircraft is in motion. The fuselage of a powered parachute contains the

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aircraft engine and a seat for each occupant, and is attached to the aircraft's landing gear. (See 14 CFR 1.1 (January 1, 2017).)

"Private Use" means that an airport is not open to the general public. Use is limited to the Certificate Holder and any other users as authorized by the Certificate Holder.

"Public Aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government aircraft engaged in carrying persons or property for commercial purposes. (See Section 4 of the Act.)

"Public Use" means that an airport is open to the general public.

"Restricted Landing Area" or "~~(RLA)~~" means any area of land, water, or both that is used or is made available for the landing and takeoff of aircraft that is intended for private use. (See Section 8 of the Act.)

"Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors. (See 14 CFR ~~1.11~~, (January effective October 1, 2017) ~~2002~~.)

"Runway" means the paved, hard surfaced, or stabilized central portion of a landing strip.

"Runway Protection Zone" means a defined area off the end of a runway that is clear of incompatible objects and activities.

"Runway Safety Area" or "~~(RSA)~~" means a defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

"Sea Lane" means a water landing and departure surface.

"Seaplane" means all aircraft designed for water operations and includes amphibious aircraft when they are operating on water.

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"Special Purpose Aircraft" means the following: manned balloons, lighter-than-air aircraft, seaplanes, sailplanes, gliders and other powerless aircraft, heavier-than-air aircraft, agricultural aircraft during the time used solely for agriculture applications, helicopters/VTOL aircraft, and any other aircraft as designated by the Division. Use and limitations provisions for special purpose aircraft are contained in Subpart I ~~of this Part~~.

"State" or "this State" means the State of Illinois. (See Section 7 of the Act.)

"STOL" means short takeoff and landing.

"STOL Operation" means the operation of an aircraft, at some weight within its approved operating weight, in compliance with applicable federal STOL standards, characteristics, and airworthiness.

"Stopway" means a defined rectangular surface beyond the end of a runway, prepared or suitable for use in lieu of a runway, to support an airplane without causing structural damage to the airplane during an aborted takeoff.

"Threshold" means the beginning of that portion of runway available for landing. In some instances the landing threshold may be displaced.

"TLOF" means Touch Down and Lift-off Area, commonly referred to as a helipad and normally centered in a Final Approach and Takeoff Area (FATO).

"Ultralight" means any aircraft intended to be used by a single occupant for recreation or sport purposes only, does not have an airworthiness certificate, weighs less than 155 pounds if non-powered, or if powered, weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation, has fuel capacity not exceeding five U.S. gallons, is not capable of more than 55 knots calibrated air speed at full power in level flight, and has a power-off stall speed that does not exceed 24 knots calibrated air speed.

"Ultralight Trainer" means any aircraft that does not have an airworthiness certificate, is used or intended to be used in the air for training Ultralight pilots, and meets the requirements for operating under an FAA approved Ultralight training exemption.

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"Unmanned Aircraft" means an aircraft, as defined at 14 CFR 1.1 (January 1, 2017), operated without the possibility of direct human intervention from within or on the aircraft.

"Vertiport" means, for the purposes of this Part, a heliport.

"VFR" means visual flight rules.

~~"VTOL" means aircraft capable of vertical takeoff and landing operations.~~

"Wind Indicator" means tetrahedron, wind tee, or wind cone (windsock).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 14.115 Application Process for Original Certificate of Approval

An applicant for an original Certificate of Approval for a new airport or RLA must complete the following process before a Certificate of Approval will be issued by the Division. ~~All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).~~

- a) The applicant must personally contact the Division ~~either~~ by phone at 217-785-8516, in writing at 1 Langhorne Bond Drive, ~~Capital Airport, Springfield, Illinois~~ ~~IL~~ 62707, or by e-mail at ~~dot.aero@illinois.gov~~ ~~Aero@nt.dot.state.il.us~~ to request an initial inspection of the site proposed to be used for the airport or RLA.
- b) The applicant must include proof of continuing property interests in, and authority to operate, the requested airport or RLA on the subject property as evidenced by:
 - 1) the approval of the property owner (i.e., a letter with the property owner's signature) if not the same as the applicant; or
 - 2) a copy of the deed or long-term lease.
- c) Division personnel will visit the proposed site, as early as Division priorities will allow, to determine if the minimum standards for the operation of an airport or

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RLA, as prescribed in either Section 14.510(a), 610(a), 710(a)₂ or 810(a), can be achieved.

- 1) After an initial inspection has been performed and the site is determined to be acceptable under this Part, an Application for Certificate of Approval form (Form AER 2059 for an airport or RLA or Form AER 2060 for a heliport) must be completed and signed, ~~along with FAA Forms 7480-1 (Notice of Landing Area Proposal) and 7480-2 (Sketch),~~ and the originals mailed or hand-delivered to the Division, ~~at the address noted in Section 14.100(d).~~
 - 2) If the proposed site is not acceptable, under this Part, Division personnel will advise the applicant as to what can be done to achieve an acceptable site (e.g., cut trees, clear brush) or suggest an alternative site.
- d) The Division will submit FAA Forms 7480-1 and 7480-2 to the FAA for an airspace determination. Once the Division has received ~~ana favorable~~ airspace determination from the FAA, the applicant will be notified in writing and the Division will proceed in processing the application for Certificate of Approval. If the FAA issues a non-favorable airspace determination, the applicant will be notified in writing as to ~~the what~~ criteria ~~that led to the needs to be met to receive a favorable~~ determination ~~(e.g., pattern agreement with another airport or RLA, cut trees).~~
- e) The Division will publish a Notice in the local newspaper, within the county of the proposed site of the airport or RLA, indicating that the Division intends to publish an Order granting or denying a Certificate of Approval, with a copy simultaneously mailed to the applicant. All interested persons may, prior to the publication of the Order in the newspaper, file objections to or comments on the proposed Order by writing to the Division, ~~at the address noted in Section 14.100(d),~~ within 15 days after the date of publication of the Notice in the newspaper. The Division will consider any comments or opposition received within the 15-day period prior to making a decision to grant or deny a Certificate of Approval and prior to publishing the Order. (See Section 60 of the Act.)
- f) If no comments or opposition to the proposed airport or RLA are received by the Division within the 15-day period, the Division will publish an Order in the local newspaper, within the county of the proposed site of the airport or RLA

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approving the construction, with a copy simultaneously mailed to the applicant. The Order will include the terms and restrictions (e.g., number of based aircraft, restrictions on use) associated with the issuance of the Certificate of Approval, as well as providing information as to a completion date for construction and for the final inspection of the airport or RLA that must occur before the Certificate of Approval will be issued. (See Section 60 of the Act.)

- g) After the Order is published, interested persons may write or e-mail comments to the Division, or request a hearing in writing (see Subpart K), ~~at the address noted in Section 14.100(d)~~, as to the validity or reasonableness of the Order. Comments will be accepted for a 15-day period after publication of the Order in the local newspaper. Unless the Division finds that a hearing is necessary or that a longer period of time is appropriate, the Order will be effective 20 days after publication in the local newspaper. A Certificate of Approval may be issued ~~anytime~~ any time after the effective date of the Order. The Division will consider all comments received within the 15-day period prior to making a decision whether to grant or deny a Certificate of Approval. (See Section 60 of the Act.)
- h) After publication of the Order, if a hearing is requested, the Division will schedule it at the earliest date possible in the county seat of the county where the proposed airport or RLA is to be located. All interested persons will be notified in writing at least 10 days prior to the scheduled date of the hearing. After the hearing has been held, the Division will issue a Supplemental Order indicating the findings and conclusions of the hearing and whether the original Order will stand or whether it will be modified. A copy of the Supplemental Order will be mailed to the applicant as well as to the person or persons requesting the hearing.
- i) The applicant will have 18 months from the effective date of the Order to complete construction of the airport or RLA. The applicant shall contact the Division in writing or by phone, as noted in Section 14.100(d), within 30 days after the completion of construction of the airport or RLA, to schedule a final inspection with the Division. If the requirements of this Part have been met upon completion of construction and final inspection, the Division will issue a Certificate of Approval for the operation of the airport or RLA to the applicant.
- j) If the applicant is unable to complete construction of the airport or RLA, or, if the requirements of this Part have not been met within 18 months ~~after~~ after of the effective date of the Order, the applicant may request in writing, ~~at the address noted in~~

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~~Section 14.100(d)~~, an extension of time of the expiration date noted in the Order. The applicant must state the reasons for requesting the extension of time (e.g., weather delays, financial reasons) in the written request. The Division may grant or deny an extension of time based on whether the applicant has shown good cause to justify the request. If an extension of time is granted, the additional period of time allowed will be at the Division's discretion. If a request for an extension of time is denied, or if the minimum standards of this Part cannot be met, the application for a Certificate of Approval becomes null and void on the date the Order expires.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 14.120 Transfer/Modification/Rescission of Certificate of Approval

~~All forms referenced in this Section may be obtained from the Division as noted in Section 14.100(d).~~

- a) Transfer of Certificate of Approval. Any applicant desiring to have an airport or RLA Certificate of Approval transferred to his or her name must complete the following process.
 - 1) Complete and sign an Application to Transfer Certificate of Approval form (Form AER 2058). This application must also be signed by the present Certificate Holder (if available) and notarized. An original application must be mailed or delivered to the Division, ~~at the address noted in Section 14.100(d).~~
 - 2) Include proof that the applicant has the authority to operate the requested airport or RLA on the subject property as evidenced by:
 - A) the written approval of the prior Certificate Holder or, if deceased, executor or administrator of the estate; or
 - B) a copy of the deed or long-term lease.
 - 3) Division personnel will visit the airport or RLA, as early as Division priorities will allow, to determine whether it meets the minimum standards found in this Part, ~~or, whether it meets the minimum standards in effect at~~

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the time of certification for the operation of an airport or RLA, before a transfer will be approved.

- A) If the Division finds that the minimum standards have been met, the Division will issue an Order approving the transfer of the Certificate of Approval that will become effective immediately, with a copy simultaneously mailed to the applicant along with a new Certificate of Approval. No Notice is required for this action and the Order is not required to be published in the newspaper.
 - B) If the minimum standards of this Part have not been met, or, if the airport or RLA is not in compliance with the minimum standards in effect at the time of certification, the Division will advise the applicant as to what corrective measures need to be taken to achieve compliance (e.g., cut trees, clear brush). Once the Division has determined that standards have been met, the Division will issue an Order approving the transfer of the Certificate of Approval that will become effective immediately, with a copy simultaneously mailed to the applicant along with a new Certificate of Approval.
- b) Modification of Certificate of Approval. No person shall make an extension or alteration to an existing airport or RLA that will require a modification of the Certificate of Approval without first having secured an Order from the Division approving the extension or alteration. Extensions or alterations will be considered in accordance with the applicable standards provided in either Section 14.510(a), 610(a), 710(a) or 810(a).
- 1) The Certificate Holder shall complete an Application for Approval of Extension or Alteration to an Airport or RLA form (Form AER 2057) and shall state the nature of the proposed extension or alteration to the airport or RLA in the application. An extension or alteration requiring a modification to the Certificate of Approval includes, but is not limited to, the following:
 - A) Construction, realignment, alteration, or activation of any runway or other aircraft landing or takeoff area on an airport or RLA, or a taxiway associated with a landing or takeoff area on an airport or

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RLA, that causes any material change in the length, width or direction of any runway, other aircraft landing or takeoff area, or taxiway on an airport or RLA.

- B) Change of any traffic pattern or traffic pattern altitude or direction.
 - C) Construction or installation of any building or other structure on the airport or RLA property that would extend above an approach slope, transition slope or turning zone.
 - D) Planting or permitting to grow any vegetation or placement of any other obstacle on the airport or RLA property that would extend above an approach slope, transition slope, or turning zone.
 - E) Discontinuance of any runway or other aircraft landing or takeoff area of an airport or RLA, as such, or any taxiway associated with a landing or takeoff area of an airport or RLA, for a period of one year or more.
 - F) Change in status of an airport or RLA from private-use to public-use, or change in status of any airport from public-use to private-use or RLA.
- 2) If the extension or alteration is such that ~~an~~ FAA Form 7480-1 must be submitted to the FAA for airspace approval (the requirements are listed on the instruction sheet for the Form 7480-1), the Division will submit the form on behalf of the applicant.
 - 3) Once the Division has received ~~an~~ ~~favorable~~ airspace determination from the FAA, if required, the applicant will be notified in writing and the Division will proceed in processing Form AER 2057. If the FAA issues a non-favorable airspace determination, the applicant will be notified in writing as to ~~the~~ ~~what~~ ~~criteria~~ ~~that~~ ~~led~~ ~~to~~ ~~the~~ ~~needs~~ ~~to~~ ~~be~~ ~~met~~ ~~to~~ ~~receive~~ ~~a~~ ~~favorable~~ determination ~~(e.g., obstruction removed)~~.
 - 4) The Division will publish a Notice in the local newspaper, within the county where the airport or RLA is located, indicating that the Division intends to publish an Order granting or denying the modification to the

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Certificate of Approval, with a copy of the Notice simultaneously mailed to the applicant. All interested persons may, prior to the publication of the Order in the newspaper, file objections to or comments on the proposed Order by writing to the Division, ~~at the address noted in Section 14.100(d),~~ within 15 days after the date of publication of the Notice in the newspaper. The Division will consider any comments or opposition received within the 15-day period prior to making a decision to grant or deny a modification of the Certificate of Approval and prior to publishing the Order. (See Section 60 of the Act.)

- 5) If no comments or opposition to the proposed extension or alteration of the airport or RLA are received by the Division within the 15-day period, the Division will publish an Order in the local newspaper, within the county where the airport or RLA is located, approving the proposed extension or alteration of the airport or RLA and the modification of the Certificate of Approval, with a copy simultaneously mailed to the applicant. The Order will include a description of the proposed extension or alteration, any terms and restrictions (e.g., runway orientation, length) associated with the issuance of a modified Certificate of Approval, a completion date for the extension or alteration, and a provision that a final inspection of the airport or RLA is to be conducted prior to the issuance of the modified Certificate of Approval.
- 6) After the Order is published, interested persons may write or e-mail comments to the Division, or request a hearing in writing (see Subpart K), ~~at the address noted in Section 14.100(d),~~ as to the validity or reasonableness of the Order. Comments will be accepted for a 15-day period after publication of the Order in the local newspaper. Unless the Division finds that a hearing is necessary or that a longer period of time is appropriate, the Order will be effective 20 days after publication in the local newspaper. A modified Certificate of Approval may be issued to the Certificate Holder ~~any time~~ ~~anytime~~ after the effective date of the Order. The Division will consider any comments received within the 15-day period prior to making a decision to grant or deny a modified Certificate of Approval. (See Section 60 of the Act.)
- 7) If a hearing is requested, the Division will schedule it at the earliest date possible in the county seat of the county where the airport or RLA is

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located. All interested persons will be notified in writing at least 10 days prior to the scheduled date of the hearing. After the hearing has been held, the Division will issue a Supplemental Order indicating the findings and conclusions of the hearing and whether the original Order will stand or whether it will be modified. A copy of the Supplemental Order will be mailed to the Certificate Holder as well as to the person or persons requesting the hearing.

- 8) The Certificate Holder will have 18 months from the effective date of the Order to complete the extension or alteration of the airport or RLA. The Certificate Holder shall contact the Division in writing or by phone, as noted in Section 14.100(d), within 30 days after the completion of the extension or alteration of the airport or RLA to schedule a final inspection with the Division. If the minimum standards of this Part have been met upon completion of the extension or alteration and final inspection, the Division will issue a modified Certificate of Approval to the Certificate Holder for the operation of the airport or RLA that includes any extension or alteration made to the airport or RLA.
- 9) If the Certificate Holder is unable to complete the extension or alteration of the airport or RLA within 18 months of the effective date of the Order, the Certificate Holder may request in writing, ~~at the address noted in Section 14.100(d)~~, an extension of time of the expiration date in the Order. The Certificate Holder must state the reasons for requesting the extension of time (e.g., delay in starting the project, weather delays) in the written request. The Division may grant or deny an extension of time based on whether the Certificate Holder has shown good cause to justify the request. If an extension of time is granted, the additional period of time allowed will be at the Division's discretion. If the request for an extension of time is denied, the application for the extension or alteration to the airport or RLA becomes null and void on the date the Order expires.
- 10) The Division may initiate the modification of a Certificate of Approval if it finds, upon inspection, that the airport or RLA is not being operated in accordance with this Part or with the standards in effect at the time the original Certificate of Approval was issued for the airport or RLA. Modifications will be made after the issuance of a Notice, Order and

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opportunity to be heard as outlined in subsections (b)(4), (5), (6) and (7)-~~of this Section.~~

- c) Rescission of Certificate of Approval. The Certificate Holder, the property owner, and the Division each have the authority to request that a Certificate of Approval to operate an airport or RLA in Illinois be rescinded. Additionally, rescission may be accomplished by Operation of Law as provided in subsection (c)(4)-~~of this Section.~~
- 1) Rescission by Certificate Holder. The Certificate Holder shall submit a completed Rescission of Certificate of Approval form (Form AER 2548) authorizing the closing of an airport or RLA and requesting that the Division rescind the Certificate of Approval. The form shall include the reasons for the rescission. A voluntary rescission by the Certificate Holder requires that the Division issue an Order of Rescission and mail a copy to the Certificate Holder. No Notice is required. The Order is not required to be published in the local newspaper but will be entered into the Division's records.
 - 2) Rescission by Property Owner. The owner of the property that an airport or RLA is located upon shall submit a completed Rescission of Certificate of Approval form authorizing the closing of an airport or RLA and requesting that the Division rescind the Certificate of Approval. The form shall include the reasons for the rescission, as well as a notarized statement indicating that the Certificate Holder no longer has the authority to operate the airport or RLA on the subject property. A voluntary rescission by the property owner requires the Division to issue an Order of Rescission and mail copies to the property owner and the Certificate Holder. No Notice is required. The Order is not required to be published in the local newspaper but will be entered into the Division's record.
 - 3) Rescission by the Division. The Division will rescind a Certificate of Approval if it finds that an airport or RLA is not being operated in accordance with this Part, or is not safe or is not being maintained or operated safely. The abandonment of an airport or RLA for a period of two consecutive years shall be just cause for the Division to rescind a Certificate of Approval. Any rescission by the Division will be after the issuance of a Notice, Order and an opportunity to be heard as outlined in

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subsections (b)(4), (5), (6) and (7) ~~of this Section~~. (See Section 49 of the Act.)

- 4) Rescission by Operation of Law. Each Certificate of Approval will automatically expire, with no further action required, upon the death of the Certificate Holder or dissolution of the corporation, Limited Liability Company (LLC), Limited Liability Partnership (LLP), Association, etc. holding the Certificate of Approval, unless the Division receives an Application to Transfer Certificate of Approval form (Form AER 2058) and the airport or RLA is in compliance with the minimum standards of this Part.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART B: AIRCRAFT REGISTRATION

Section 14.210 Time and Manner of Registration

~~All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).~~

- a) Except as provided in Section 14.230, all holders of Federal Aircraft Certificates for aircraft engaged in air navigation in Illinois shall complete an Application for Registration of Federal Aircraft Certificate form (Form AER 2048) within 30 days after establishing residency in Illinois or within 30 days after purchasing an aircraft. Each completed application shall contain at least the same information that is shown on the Federal Aircraft Certificate.
- b) The fee for the registration or transfer of registration of each Federal Aircraft Certificate is \$20 when paid within the first year of the current biennial registration cycle. Persons who register within the second year of the current biennial cycle must pay \$10. Remittance shall be payable to the State Treasurer of Illinois and shall be included at the time the application for registration is submitted to the Division. (See Section 42 of the Act.)
- c) The Division will then issue a biennial Certificate of Registration that is required to be carried at all times in an aircraft engaged in air navigation in Illinois (see Section 14.220) and that will automatically expire upon transfer of ownership of the aircraft or on the date indicated on the Certificate of Registration. The

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Certificate of Registration will be mailed to the registrant as early as Division priorities allow. Each biennial registration cycle begins January 1 of all even-numbered years and expires December 31 of the following odd-numbered year. Renewal notices are mailed at the beginning of each cycle.

- d) No formal hearing will be held concerning an application for a Certificate of Registration. If additional information is needed, the Division may inquire about or investigate an application.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART C: AIRMAN REGISTRATION

Section 14.310 Time and Manner of Registration

~~All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).~~

- a) Except as provided in Section 14.330, all holders of Federal Airman Certificates engaged in the operation of aircraft in Illinois shall complete ~~an a-Biennial~~ Application for Registration of Federal Airman Certificate form (Form AER 1967) within 30 days after establishing residency in Illinois. Each completed application shall contain at least the same information that is shown on the Federal Airman Certificate, including all ratings attached to the certificate.
- b) The fee for the registration of each Federal Airman Certificate is ~~\$20.00.10.00~~ ~~when paid within the first year of the current biennial registration cycle. Persons who register within the second year of the current biennial cycle must pay \$5.00.~~ Remittance shall be payable to the State Treasurer of Illinois and shall be included at the time the application for registration is submitted to the Division. (See Section 42 of the Act.)
- c) The Division will then issue a ~~biennial~~ Certificate of Registration ~~that will automatically expire on the date indicated on the Certificate of Registration.~~ The Certificate of Registration will be mailed to the registrant as early as Division priorities allow. ~~Each biennial registration cycle begins January 1 of all even years and expires December 31 of the following odd year. Renewal notices are mailed at the beginning of each cycle.~~

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- d) No formal hearing will be held concerning an application for a Certificate of Registration. If additional information is needed, the Division may inquire about or investigate an application.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 14.320 Exhibition of Certificates

- a) The Federal Airman Certificate and the Division's Certificate of Registration shall be kept in the personal possession of the pilot when ~~he is~~ operating an aircraft in Illinois. Both certificates must be presented for inspection upon demand by any passenger, any peace officer of this ~~State~~^{State}, any officer or authorized employee or designee of the Division, or any official, manager, or person in charge of any airport or RLA in Illinois upon which the airman lands. (See Section 45 of the Act.)
- b) In the event of loss, mutilation, correction (e.g., name change), or destruction of a Certificate of Registration, an airman may obtain a duplicate from the Division upon notifying the Division in writing and submitting a payment of ~~\$3.00~~^{\$5.00} made payable to the State Treasurer of Illinois.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART D: AIR SAFETY

Section 14.440 Dropping Objects from Aircraft

- a) No person, while operating or riding in any type of aircraft, shall cause to be dropped any object used to publicize or advertise any product, service, activity, or event; including circulars, posters, handbills, or other advertising matter.
- b) No person, owner, or lessee, while operating or riding in any type of aircraft, may cause to be dropped any other object, unless he ~~or she~~^{or she} applies for and receives a dropping permit from the Division. Permit forms can be obtained by contacting the Division ~~at the address noted in Section 14.100(d).~~
- 1) The completed permit form must be received at least 14 days prior to the date of the scheduled drop.

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- 2) The permit form must specify the name and address of the person who will be authorized to make the drop, as well as the date, time, and place for the drop and the object to be dropped.
 - 3) Approval is contingent upon whether the drop will constitute a safety hazard. If approved, the permit will be mailed to the person making the request before the day of the scheduled drop. (See Section 43(b) of the Act.)
- c) This Section does not prohibit the otherwise lawful use of aircraft for agricultural applications, fire suppression, or pest control. The operator of an aircraft engaging in aerial applications shall carry on his or her person a permit issued by the Illinois Department of Agriculture. This Section does not prohibit the otherwise lawful use of aircraft for agricultural applications, fire suppression or pest control. The operator of an aircraft engaging in aerial applications shall carry on his person a permit issued by the State of Illinois, Department of Agriculture. (See Section 43(b) of the Act.)

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART E: AIRPORTS

Section 14.560 Responsibility of a Public-Use Airport Certificate Holder

The holder of a Certificate of Approval for a public-use airport, or his or her authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous (e.g., rough terrain, soft ground) by prominently displaying an "X" as set forth in ~~Section 14.~~Appendix A, Illustration J; and, also, by notifying the appropriate Federal Aviation Administration Flight Service Station (FAA-FSS) of those conditions. All other hazardous conditions (e.g., snow or ice on runway) should be reported immediately or NOTAMED (Notice to Airmen) to the FAA-FSS.

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- b) Supervise or cause the supervision of all aeronautical activity in connection with the airport in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.
- c) Have authorized personnel in attendance at the airport at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his or her agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
- d) Ensure that the airport has a phone number by which Division personnel can reach the Certificate Holder or ~~his~~ designee. In the event that the Certificate Holder or ~~his~~ designee is not available at the airport number, an answering device at the airport number shall provide a message identifying a reliable secondary number where the Certificate Holder or ~~his~~ designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone, or by e-mail ~~at the address provided in Section 14.115(a)~~, within 10 days after the change.
- e) Prescribe local airport rules that will be reviewed and approved, prior to their adoption, by the Division.
- f) Develop and follow, on the property subject to his or her control, operational maintenance, and repair practices that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- g) Furnish the Division, upon request, with information concerning aircraft using the airport as an operating base, persons exercising managerial or supervisory functions at the airport, accidents, and the nature and extent of aeronautical activity occurring at the airport.
- h) Obliterate all signs and markings that might indicate that the airport is still operating, prior to the Division issuing an Order closing the airport, in accordance with Section 14.120(c). Place an "X" on the field, as set forth in Section 14.Appendix A, Illustration J, unless the airport is, or is proposed to be, operated as an RLA.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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Section 14.570 Responsibility of a Private-Use Airport Certificate Holder

The holder of a Certificate of Approval for a private-use airport, or his or her authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by prominently displaying an "X" as set forth in Section 14 Appendix A, Illustration J.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the airport in the interest of safety.
- c) Ensure that the airport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the airport number, an answering device at the airport number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone, or by e-mail at the address provided in Section 14.115(a), within 10 days after the change.
- d) Prescribe local airport rules that will be reviewed and approved, prior to their adoption, by the Division.
- e) Develop and follow, on the property subject to his or her control, operational maintenance and repair practices that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- f) Furnish the Division, upon request, with information concerning aircraft using the airport as an operating base, persons exercising managerial or supervisory functions at the airport, accidents, and the nature and extent of aeronautical activity occurring at the airport.
- g) Obliterate all signs and markings that might indicate that the airport is still operating, prior to the Division issuing an Order closing the airport, in accordance

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with Section 14.120(c). Place an "X" on the field, as set forth in [Section 14.120\(c\)](#), unless the airport is, or is proposed to be, operated as an RLA.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART F: AIRPORTS FOR NON-CONVENTIONAL AIRCRAFT

Section 14.620 Public-Use of Airports for Non-Conventional Aircraft

- a) Balloon Port
 - 1) Physical Standards. The diameter of the launch circle shall be a minimum of 300 feet, as shown in Appendix C, Illustration A.
 - 2) Minimum Departure Slope. A balloon port must provide a 1:1 departure slope as measured from the nearest edge of the circle throughout its entire 360° circumference. All public utility lines, towers of all types, and inhabited buildings or dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle.
 - 3) Facilities. Every balloon port shall provide:
 - A) Wind direction/velocity indicator (must be lighted for night use).
 - B) Adequate fire protection equipment.
 - C) Potable water during business hours.
 - D) Sanitary restroom facilities.
 - E) First-aid kit.
 - 4) Responsibility of a Public-Use Balloon Port Certificate Holder
 - A) Supervise or cause the supervision of all aeronautical activity in connection with the balloon port in the interest of public safety,

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except activity that may be controlled by an authorized air traffic control facility.

- B) Have authorized personnel in attendance at the balloon port at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his or her agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
 - C) Ensure that the balloon port has a phone number by which Division personnel can reach the Certificate Holder or his or her designee. In the event that the Certificate Holder or designee is not available at this number, an answering device at the balloon port number shall provide a message identifying a reliable secondary number where the Certificate Holder or designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone, or by e-mail, ~~at the address provided for in Section 14.115(a)~~ within 10 days after the change.
 - D) Prescribe local balloon port rules that will be reviewed and approved, prior to their adoption, by the Division.
 - E) Develop and follow, on the property subject to the Certificate Holder's control, operational maintenance and repair practices that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
 - F) Furnish the Division, upon request, information concerning aircraft using the balloon port as an operating base, persons exercising managerial or supervisory functions at the balloon port, accidents, and the nature and extent of aeronautical activity occurring at the balloon port.
- b) Seaplane Base

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- 1) Physical Standards for Water Lane. Water landing and departure surfaces must be a minimum of 400 feet in width, as shown in Appendix C, Illustration A.
- 2) Water Lane Length and Minimum Clearances. The water lane length for all approaches to and takeoff from the water shall be sufficient to allow for a 100' clearance over all structures on land and water.
- 3) Facilities. Every seaplane base shall provide:
 - A) Wind direction/velocity indicator (must be lighted for night use).
 - B) One 20# fire extinguisher (two with sale of fuel).
 - C) Docking or beaching facility.
 - D) Accessible emergency personal flotation device (life ring or preserver).
 - E) Potable water.
 - F) Sanitary restrooms.
 - G) First-aid kit.
 - H) Segmented circle with arms where a non-standard traffic pattern is used.
 - I) Fuel.
- 4) Responsibility of a Public-Use Seaplane Base Certificate Holder
 - A) Notify the appropriate FAA-FSS of hazardous conditions.
 - B) Supervise or cause the supervision of all aeronautical activity in connection with the seaplane base in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.

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- C) Have authorized personnel in attendance at the seaplane base at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his or her agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
- D) Ensure that the seaplane base has a phone number by which Division personnel can reach the Certificate Holder or his or her designee. In the event that the Certificate Holder or designee is not available at this number, an answering device at the seaplane base number shall provide a message identifying a reliable secondary number where the Certificate Holder or designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone, or by e-mail, ~~at the address provided for in Section 14.115(a)~~ within 10 days after the change.
- E) Prescribe local seaplane base rules that will be reviewed and approved, prior to their adoption, by the Division.
- F) Develop and follow, on the property subject to the Certificate Holder's control, operational maintenance and repair practices that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- G) Furnish the Division, upon request, information concerning aircraft using the seaplane base as an operating base, persons exercising managerial or supervisory functions at the seaplane base, accidents, and the nature and extent of aeronautical activity occurring at the seaplane base.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 14.630 Private-Use of Airports for Non-Conventional Aircraft

- a) Balloon Port-

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- 1) Physical Standards. The diameter of the launch circle shall be a minimum of 300 feet, as shown in [Section 14](#).Appendix C, Illustration A.
- 2) Minimum Departure Slope. A balloon port must provide a 1:1 departure slope as measured from the nearest edge of the circle throughout its entire 360° circumference. All public utility lines, towers of all types, and inhabited buildings or dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle.
- 3) Facilities. Every balloon port shall provide a wind direction/velocity indicator (must be lighted for night use).
- 4) Responsibility of a Private-Use Balloon Port Certificate Holder-
 - A) Supervise or cause the supervision of all aeronautical activity in connection with the balloon port in the interest of safety.
 - B) Ensure that the balloon port has a phone number by which Division personnel can reach the Certificate Holder or ~~his~~ designee. In the event that the Certificate Holder or ~~his~~ designee is not available at this number, an answering device at the balloon port number shall provide a message identifying a reliable secondary number where the Certificate Holder or ~~his~~ designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone, or by e-mail ~~at the address provided in Section 14.115(a)~~, within 10 days after the change.
 - C) Prescribe local balloon port rules that will be reviewed and approved, prior to their adoption, by the Division.
 - D) Develop and follow, on the property subject to his or her control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.

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- E) Furnish the Division, upon request, with information concerning aircraft using the balloon port as an operating base, persons exercising managerial or supervisory functions at the balloon port, accidents, and the nature and extent of aeronautical activity occurring at the balloon port.
- b) Seaplane Base-
- 1) Physical Standards. Water landing and departure surfaces must be a minimum of 400 feet in width, as shown in [Section 14](#).Appendix C, Illustration A.
 - 2) Minimum Clearances. All approaches to and departures from the water area shall be sufficient to clear all structures on the land or in the water by at least 100 feet.
 - 3) Facilities. Every seaplane base shall provide a wind direction/velocity indicator (must be lighted for night use).
 - 4) Responsibility of a Private-Use Seaplane Base Certificate Holder:
 - A) Supervise or cause the supervision of all aeronautical activity in connection with the seaplane base in the interest of safety.
 - B) Ensure that the seaplane base has a phone number by which Division personnel can reach the Certificate Holder or his [or her](#) designee. In the event that the Certificate Holder or ~~his~~ designee is not available at this number, an answering device at the seaplane base number shall provide a message identifying a reliable secondary number where the Certificate Holder or ~~his~~ designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone, or [by](#) e-mail ~~at the address provided in Section 14.115(a)~~, within 10 days after the change.
 - C) Prescribe local seaplane base rules that will be reviewed and approved, prior to their adoption, by the Division.

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- D) Develop and follow, on the property subject to his or her control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- E) Furnish the Division, upon request, with information concerning aircraft using the seaplane base as an operating base, persons exercising managerial or supervisory functions at the seaplane base, accidents, and the nature and extent of aeronautical activity occurring at the seaplane base.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART G: RESTRICTED LANDING AREAS

Section 14.750 Responsibility of a Restricted Landing Area Certificate Holder

The holder of a Certificate of Approval for an RLA or his or her authorized agent has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his or her agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by prominently displaying an "X" as set forth in Appendix E, Illustration F.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the RLA in the interest of safety.
- c) Maintain the landing area and approaches so as to permit safe operation in accordance with original certification standards.
- d) Ensure that the RLA has a phone number by which Division personnel can reach the Certificate Holder or his or her designee. In the event that the Certificate Holder or ~~his or her~~ designee is not available at this number, a reliable secondary number where the Certificate Holder or ~~his~~ designee can be reached shall be available. It is mandatory that any change in Certificate Holder/designee address

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or phone number be reported to the Division in writing, by phone, or by e-mail ~~at the address provided in Section 14.115(a)~~, within 10 days after the change.

- e) Furnish the Division, upon request, with information concerning aircraft using the RLA as an operating base, persons exercising managerial or supervisory functions at the RLA, accidents and the nature and extent of aeronautical activity occurring at the RLA.
- f) Obliterate all signs and markings that might indicate that the RLA is still operating as such, prior to the Division issuing an Order closing the RLA, in accordance with Section 14.120(c).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART H: HELIPORTS/VERTIPOINTS

Section 14.860 Responsibility of a Public-Use Heliport Certificate Holder

The holder of a Certificate of Approval for a public-use heliport, or his or her authorized agent, has the responsibility to enforce applicable federal, State, and local aeronautical laws, and ~~regulations of~~ this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or ~~his~~ agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by displaying prominently a contrasting "X" over the FATO/TLOF, that is visible from a minimum of 500' AGL, and notify the appropriate FAA-FSS.
- b) Supervise or cause the supervision of all aeronautical activity in connection with, and in conformity with, the limitations prescribed in this Subpart H for a heliport.
- c) Have authorized personnel in attendance at the heliport at all times during published business hours (excluding helistops). In the event that it is impractical to comply with the foregoing, the Certificate Holder or ~~his~~ agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
- d) Ensure that the heliport has a phone number by which Division personnel can reach the Certificate Holder or his or her designee. In the event that the

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Certificate Holder or ~~his~~ designee is not available at the heliport number, an answering device at the heliport number shall provide a message identifying a reliable secondary number where the Certificate Holder or ~~his~~ designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone, or by e-mail ~~at the address provided for in Section 14.115(a)~~, within 10 days after the change.

- e) Prescribe local heliport rules that will be reviewed and approved, prior to their adoption, by the Division.
- f) Develop and follow, on the property subject to his or her control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- g) Furnish the Division, upon request, information concerning aircraft using the heliport as an operating base, persons exercising managerial or supervisory functions at the heliport, accidents, and the nature and extent of aeronautical activity occurring at the heliport.
- h) Obliterate all signs and markings that might indicate that the heliport is still operating, prior to the Division issuing an Order closing the heliport, in accordance with Section 14.120(c).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 14.870 Responsibility of a Private-Use Heliport, Restricted Landing Area Heliport, and Hospital Heliport Certificate Holder

The holder of a Certificate of Approval for a private-use heliport, restricted landing area heliport, or hospital heliport, or his or her authorized agent, has the responsibility to enforce applicable federal, State, and local aeronautical laws, and ~~regulations of~~ this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or ~~his~~ agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by displaying prominently a contrasting "X" over the FATO/TLOF, that is visible from a minimum of 500' AGL.

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- b) Supervise or cause the supervision of all aeronautical activity in connection with the heliport in the interest of safety.
- c) Ensure that the heliport has a phone number by which Division personnel can reach the Certificate Holder or his or her designee. In the event that the Certificate Holder or ~~his~~ designee is not available at the heliport number, an answering device at the heliport number shall provide a message identifying a reliable secondary number where the Certificate Holder or ~~his~~ designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone, or by e-mail ~~at the address provided in Section 14.115(a)~~, within 10 days after the change.
- d) Prescribe local heliport rules that will be reviewed and approved, prior to their adoption, by the Division.
- e) Develop and follow, on the property subject to his or her control, operational maintenance and repair practices, that will ensure that the heliport and approaches are free from hazards to the operation of aircraft.
- f) Furnish the Division, upon request, with information concerning aircraft using the heliport as an operating base, persons exercising managerial or supervisory functions at the heliport, accidents, and the nature and extent of aeronautical activity occurring at the heliport.
- g) Obliterate all signs and markings that might indicate that the heliport is still operating, prior to the Division issuing an Order closing the heliport, in accordance with Section 14.120(c).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART I: SPECIAL PURPOSE AIRCRAFT

Section 14.900 Special Purpose Aircraft Designation

The following aircraft are designated as Special Purpose Aircraft:

- a) Seaplanes, non-conventional type of aircraft such as lighter-than-air aircraft, or manned balloons.

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- b) Sailplanes, gliders, and other powerless, heavier-than-air aircraft.
- c) Agricultural aircraft during the time they are being used solely for agricultural aerial applications.
- d) Helicopters/VTOL Aircraft.
- e) Powered parachutes that are registered with the FAA.
- f) Any other aircraft as designated by the Division.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 14.950 Special Purpose Aircraft Operations

- a) Gliders/Sailplanes. Gliders/Sailplanes may utilize an uncertificated area for landings, but are expressly prohibited from taking off from an uncertificated area.
- b) Balloons and Powered Parachutes. Manned balloons, ~~and~~ other lighter-than-air aircraft, and powered parachutes properly registered with the Division, may operate within the ~~State~~ of Illinois from uncertificated areas provided:
 - 1) the pilot-in-command and/or the owner adheres to all of the requirements contained in this Part; ~~and~~
 - 2) the powered parachutes ~~Further~~, balloons, and their pilots and/or owners, ~~must~~ comply with all of the requirements of 14 CFR 91 (January 1, 2017), ~~effective October 1, 2002~~, applicable to special purpose aircraft flight and/or operations. No later editions of or amendments to 14 CFR 91 are incorporated.
- c) Helicopters/VTOL Aircraft. A helicopter cannot conduct more than 50 operations (takeoffs or landings) in a period of three consecutive months or 100 operations in a period of one year from the same uncertificated area. The same uncertificated area shall not be used for more than one year. An uncertificated area is defined as any location within a 2000' radius of the first point of landing.

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Calculation, Assessment and Collection of Periods Fees
- 2) Code Citation: 38 Ill. Adm. Code 375
- 3) Section Number: 375.30 Adopted Action: Repealed
- 4) Statutory Authority: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].
- 5) Effective Date of Rule: December 15, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office of the Division of Banking and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 7398; June 30, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: Pursuant to Executive Order 2016-13, issued by Governor Rauner on October 17, 2016, IDFPR – Division of Banking is repealing Section 375.30 of this Part under the "Cutting the Red Tape Initiative" to make certain that our regulatory standards are up to date; use plain language where appropriate; provide continuity across the balance of our Title 38 administrative rules; are not unduly burdensome to businesses or social service providers or recipients and are statutorily authorized. Specifically, the Division of Banking is taking this opportunity to repeal Section 375.30 because the calculation, assessment and collection of periodic fees are now statutorily set within Section 48.05 of the Illinois Banking Act [205 ILCS 5].
- 16) Information and questions regarding this adopted rule shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OFFICE OF FINANCIAL AND PROFESSIONAL
REGULATION BANKS AND REAL ESTATE

PART 375

CALCULATION, ASSESSMENT AND COLLECTION OF PERIODIC FEES

Section

375.10	Purpose
375.20	Definitions
375.30	Call Report Fees <u>(Repealed)</u>
375.31	Electronic Data Processing Fee
375.32	Assessment of 3, 4, or 5 Rated State Banks
375.33	Foreign Banking Office Minimum Quarterly Fee
375.34	Corporate Fiduciary Regulatory Fees
375.36	Foreign Bank Representative Office Regulatory Fees
375.40	Calculation of Call Report and Electronic Data Processing Fees for Resulting State Banks
375.41	Calculation of Corporate Fiduciary Regulatory Fees for Resulting Corporate Fiduciaries
375.50	Assessment of Accrued Fees Against a Converting or Merging State Bank
375.51	Assessment of Accrued Fees Against a Corporate Fiduciary
375.60	Credits and Additional Assessments Not Applicable to Resulting National Banks
375.70	Payment by Electronic Transfer or Automatic Debit

AUTHORITY: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Adopted at 21 Ill. Reg. 8375, effective June 29, 1997; amended at 24 Ill. Reg. 225, effective December 31, 1999; amended at 27 Ill. Reg. 487, effective December 27, 2002; emergency amendment at 27 Ill. Reg. 16024, effective September 29, 2003, for a maximum of 150 days; emergency amendment suspended at 27 Ill. Reg. 18483, effective November 18, 2003; emergency suspension withdrawn at 28 Ill. Reg. 407, effective December 16, 2003; emergency

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

repealed at 28 Ill. Reg. 410, effective December 16, 2003, in response to the objection and suspension of the Joint Committee on Administrative Rules; amended at 28 Ill. Reg. 773, effective December 29, 2003; amended at 41 Ill. Reg. 15093, effective December 15, 2017.

Section 375.30 Call Report Fees (Repealed)

~~Each state bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly installments equal to one fourth of the sum of the annual fixed fee of \$3,060, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 of the Illinois Banking Act [205 ILCS 5/47] for the preceding quarter according to the following schedule:~~

~~21.675¢ per \$1,000 of the first \$5,000,000 of total assets;~~

~~20.4¢ per \$1,000 of the next \$20,000,000 of total assets;~~

~~17.85¢ per \$1,000 of the next \$75,000,000 of total assets;~~

~~12.1125¢ per \$1,000 of the next \$400,000,000 of total assets;~~

~~9.5625¢ per \$1,000 of the next \$500,000,000 of total assets;~~

~~7.0125¢ per \$1,000 of the next \$19,000,000,000 of total assets;~~

~~2.55¢ per \$1,000 of the next \$30,000,000,000 of total assets;~~

~~1.275¢ per \$1,000 of the next \$50,000,000,000 of total assets; and~~

~~.6375¢ per \$1,000 of all assets in excess of \$100,000,000,000 of the state bank.~~

~~The Call Report Fee shall be calculated by the Commissioner and billed to state banks for remittance at the time of the quarterly statements of condition provided for in Section 47 of the Act.~~

(Source: Repealed at 41 Ill. Reg. 15093, effective December 15, 2017)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.7300 Emergency Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/704A
- 5) Effective Date of Emergency Rule: November 30, 2017
- 6) If this Emergency Rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: November 30, 2017
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 100-303 provides that the Department by rule may require that withholding income tax returns and Forms W-2 be filed electronically. Forms W-2 for 2017 are due January 31, 2018. Emergency rulemaking is necessary to implement the legislation.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking amends regulation Section 100.7300 to implement the amendments to IITA Section 704A in PA 100-303, which allow the Department to require electronic filing of withholding returns and W-2 information, beginning with calendar 2017 withholding.
- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers</u> :	<u>Proposed Actions</u> :	<u>Illinois Register Citations</u> :
100.2175	New Section	41 Ill. Reg. 14166, November 27, 2017
100.7300	Amendment	41 Ill. Reg. 15041; December 15, 2017
- 12) Statement of Statewide Policy Objective: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

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- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Brian Fliflet
Deputy General Counsel
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

100.2000	Introduction
100.2050	Net Income (IITA Section 202)
100.2055	Standard Exemption (IITA Section 204)
100.2060	Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

SUBPART B: CREDITS

Section

100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Section 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA Section 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2171	Angel Investment Credit (IITA 220)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA Section 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193	Student-Assistance Contributions Credit (IITA 218)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)

DEPARTMENT OF REVENUE

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- 100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
- 100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
- 100.2198 Economic Development for a Growing Economy Credit (IITA 211)
- 100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
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AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at

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5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective

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June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg. 17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 38 Ill. Reg. 23158, effective November 21, 2014; emergency amendment at 39 Ill. Reg. 483, effective December 23, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 1768, effective January 7, 2015; amended at 39 Ill. Reg. 5057, effective March 17, 2015; amended at 39 Ill. Reg. 6884, effective April 29, 2015; amended at 39 Ill. Reg. 15594, effective November 18, 2015; amended at 40 Ill. Reg. 1848, effective January 5, 2016; amended at 40 Ill. Reg. 10925, effective July 29, 2016; amended at 40 Ill. Reg. 13432, effective September 7, 2016; amended at 40 Ill. Reg. 14762, effective October 12, 2016; amended at 40 Ill. Reg. 15575,

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effective November 2, 2016; amended at 41 Ill. Reg. 4193, effective March 27, 2017; amended at 41 Ill. Reg. 6379, effective May 22, 2017; amended at 41 Ill. Reg. 10662, effective August 3, 2017; amended at 41 Ill. Reg. 12608, effective September 21, 2017; amended at 41 Ill. Reg. 14217, effective November 7, 2017; emergency amendment at 41 Ill. Reg. 15097, effective November 30, 2017, for a maximum of 150 days.

SUBPART V: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section 100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)**EMERGENCY**

- a) Quarterly returns. Except as otherwise provided in Section 100.7310 or 100.7350, every employer required to deduct and withhold tax on compensation paid in Illinois shall make a return for the first calendar quarter in which the tax is deducted and withheld and for each subsequent calendar quarter (whether or not compensation is paid in that quarter) until a final return is filed. (See IITA Sections 704(c) and 704A(b).) Each return required under this subsection must be made *in the form and manner required by the Department. (IITA Sections 704(b) and 704A(b)) With respect to taxes withheld in 2017 and subsequent calendar years, the Department may, by rule, provide that any return (including any amended return) and any W-2 Form due under this Section must be submitted on magnetic media or electronically. (IITA Section 704A(f)) The due date for submitting W-2 Forms shall be as prescribed by the Department by rule. (IITA Section 704A(f))* ~~[35 ILCS 5/704(b) and 704A(b)]~~.
- 1) For calendar years after 2009 and prior to 2017, payroll providers who withhold Illinois income tax for employers during the year and who are required to file federal withholding returns on magnetic media under 26 CFR 301.6011-2 shall file returns due under this subsection (a) with the Department using the same magnetic media used for their federal filing.
 - 2) For calendar years after 2016, all employers shall file returns due under this subsection (a) with the Department electronically or using the same magnetic media used for their federal filing, provided that, upon petition by an employer, the Department may waive this requirement if the employer demonstrates that it does not have access to the Internet.

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- 3) All other returns required under this subsection (a) may be filed with the Department at the address provided on the Form IL-941, Illinois Quarterly Withholding Income Tax Return, or its instructions.
- b) Filing and retention of copies of combined W-2
- 1) For calendar years prior to 2008
- A) Every employer required under this Section or Section 100.7310 or 100.7350 to make a return of tax withheld from compensation for a period ending December 31, or for any period for which a return is made as a final return, shall retain a copy of each wage and tax statement on the combined W-2 required under Section 100.7200 to be furnished by the employer with respect to compensation paid during the calendar year. For calendar years prior to 2008, every employer shall maintain copies of the combined W-2 forms for three years from the due date of the IL-W-3 for that period. For each calendar year after 2007, every employer shall maintain copies of the combined W-2 forms until January 31 of the fourth year following that calendar year. If the Department makes a written request for copies of the combined W-2 forms, the copies shall be forwarded to the Department within 30 days after the written request.
- B) If an employer issues a corrected copy of a combined W-2 to an employee for a prior calendar year (see Section 100.7200(d) above), a copy shall be retained for a period of four years from the date fixed for filing the employer's return of tax withheld for the period ending December 31 of the year in which the correction is made, or for any period in the year for which the return is made as a final return. A statement explaining the corrections shall also be retained and, if the Department requests, a copy of the corrected W-2 shall be submitted within 30 days after the written request.
- C) Each year, the Department will contact a sample of Illinois employers and require those employers to provide copies of their employee W-2s. Employers chosen by the Department will be required to file W-2s in the same manner they are required to file

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W-2s federally.

- i) Employers with more than 250 employees in the State of Illinois will be required to provide the W-2s on magnetic tape, diskette, or cartridge meeting the specifications required by the Social Security Administration (see 26 CFR 301.6011-2).
 - ii) All other employers may provide the W-2s on magnetic media or paper.
- D) An extension of time for providing statements requested by the Department shall be granted upon a showing of good cause.
- 2) W-2s filed electronically or on magnetic media
- A) The following persons, ~~if they are required to file copies of the W-2s on magnetic media under 26 CFR 301.6011-2,~~ shall file copies of the W-2s with the Department electronically or using the same magnetic media used for their federal filing:
- i) for calendar years after 2007 and prior to 2017, payroll providers who withhold Illinois income tax for employers during the year and who are required to file copies of the W-2s on magnetic media under 26 CFR 301.6011-2;~~and~~
 - ii) for calendar years after 2008 and prior to 2017, all employers who are required to file copies of the W-2s on magnetic media under 26 CFR 301.6011-2; and
 - iii) for calendar years after 2016, all employers and payroll providers who withhold Illinois income tax for employers, provided that, upon petition by an employer or payroll provider, the Department may waive the magnetic media filing requirement if the employer or payroll provider demonstrates that it does not have access to the Internet.

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- B) For calendar years prior to 2014, the copies of W-2s shall be filed no later than March 31 of the year following the year of the withholding, unless a later due date is prescribed under federal law for filing the copies of the W-2s, in which case filing of copies with the Department ~~is~~ shall be due on the same date. For calendar years after 2013 and prior to 2017, the copies of W-2s shall be filed no later than February 15 of the year following the year of the withholding. For calendar years after 2016, the copies of W-2s shall be filed no later than January 31 of the year following the year of the withholding.
- C) For all calendar years, if the IRS has granted an extension of time to file a federal information return that would otherwise be due from the employer on the due date for filing under this subsection (b)(2) because of natural disaster under IRC section 7508A, an employer who files copies of its W-2s on or before the extended due date of the federal information return is deemed to have reasonable cause for the late filing. (See IITA Sections 704(f) and 704A(f).)
- 3) For calendar years after 2007, with respect to copies of W-2s other than those ~~required to be~~ filed electronically or on magnetic media ~~under subsection (b)(2)~~:
- A) Every employer required under this Section or Section 100.7310 or 100.7350 to make a return of tax withheld from compensation for a period ending December 31, or for any period for which a return is made as a final return, shall retain a copy of each wage and tax statement on the combined W-2 required under Section 100.7200 to be furnished by the employer with respect to compensation paid during the calendar year. Every employer shall maintain copies of the combined W-2 forms until January 31 of the fourth year following that calendar year. If the Department makes a written request for copies of the combined W-2 forms, the copies shall be forwarded to the Department within 30 days after the written request.

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- B) If an employer issues a corrected copy of a combined W-2 to an employee for a prior calendar year (see Section 100.7200(d)), a copy shall be retained for a period of four years from the date fixed for filing the employer's return of tax withheld for the period ending December 31 of the year in which the correction is made, or for any period in the year for which the return is made as a final return. A statement explaining the corrections shall also be retained and, if the Department requests, a copy of the corrected W-2 shall be submitted within 30 days after the written request.
 - C) Each year, the Department will contact a sample of Illinois employers and require those employers to provide copies of their employee W-2s.
 - D) An extension of time for providing statements requested by the Department shall be granted upon a showing of good cause.
- c) Payments of amounts withheld prior to January 1, 2008. Except as otherwise provided in Section 100.7310 or 100.7350, with respect to amounts withheld or required to be withheld prior to January 1, 2008:
- 1) Quarter-monthly tax payments. Every employer required to file a quarterly return under subsection (a) shall also file a quarter-monthly tax payment form if the amount of tax deducted and withheld during any quarter-monthly period plus the amount previously withheld and not remitted to the Department exceeds \$1,000. An employer need not file a quarter-monthly form if no quarter-monthly payment is due. Certain taxpayers with tax liabilities exceeding statutory thresholds are required to pay their tax liabilities by electronic funds transfer. 86 Ill. Adm. Code 750 sets forth the rules of the Department concerning payment of taxes by electronic funds transfer, as well as the statutory payment thresholds.
 - 2) Monthly tax payments. Every employer required to file a quarterly return under subsection (a) shall also file a monthly tax payment form if the amount of tax deducted and withheld during any calendar month plus the amount previously withheld and not remitted to this Department exceeds \$500 including amounts previously withheld and not remitted to the Department, but does not exceed \$1,000. An employer need not file a

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monthly form if no monthly payment is due. No monthly form is required for the third month in any calendar quarter. The information otherwise required to be reported on the monthly form for the third month in a calendar quarter shall be reported on the quarterly return filed for that quarter and no monthly form need be filed for that month.

- d) Payments of amounts withheld on or after January 1, 2008. Except as provided in Section 100.7310 or 100.7350, with respect to amounts withheld or required to be withheld on or after January 1, 2008:
 - 1) Semi-weekly tax payments
 - A) An employer who withheld or was required to withhold more than \$12,000 during the look-back period for a calendar year must make semi-weekly payments for the entire calendar year.
 - B) An employer who withholds or is required to withhold more than \$12,000 in any quarter of a calendar year is required to make semi-weekly payments of amounts withheld or required to be withheld during each remaining quarter of that calendar year and for the subsequent calendar year. (See IITA Section 704A(c)(1).)
 - 2) Monthly tax payments. An employer who is not required to make semi-weekly payments shall make monthly payments of taxes withheld or required to be withheld. (See IITA Section 704A(c)(3).)

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 15097, effective November 30, 2017, for a maximum of 150 days)

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- 1) Heading of the Part: Economic Development for a Growing Economy Program (EDGE)
- 2) Code Citation: 14 Ill. Adm. Code 527
- 3) Section Number: 527.20
- 4) Notice of Emergency Amendment published in the *Illinois Register*: October 20, 2017; 41 Ill. Reg. 13104
- 5) JCAR Statement of Objection to Emergency Amendment published in the *Illinois Register*: At its meeting on November 7, 2017, the Joint Committee on Administrative Rules ("JCAR") objected to the Department of Commerce and Economic Opportunity's emergency rulemaking titled Economic Development for a Growing Economy Program (EDGE) (14 Ill. Adm. Code 527; 41 Ill. Reg. 13104 - 10/20/17) because the Department, in its definition of "Underserved Area", applied a 2-year look back to the criteria regarding a community's extent of participation in the federal Free Lunch or Reduced-Price Meal program and SNAP.
- 6) Date Agency submitted this modification to JCAR for approval: November 30, 2017
- 7) Summary of Action Taken by the Agency: The Department of Commerce and Economic Opportunity has reviewed the objection from the Joint Committee on Administrative Rules regarding the above-referenced emergency rulemaking and is modifying the rulemaking to remove this language.

The full text of the Section of the Emergency Amendment being modified begins on the next page:

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 527

ECONOMIC DEVELOPMENT FOR A GROWING ECONOMY PROGRAM (EDGE)

Section

527.10 Purpose

527.20 Definitions

EMERGENCY

527.30 Eligibility Determination

EMERGENCY

527.40 Form of Application

EMERGENCY

527.50 Application Review

EMERGENCY

527.60 Application Denial/Approval

EMERGENCY

527.70 Determination of Amount and Term of the Credit

EMERGENCY

527.80 Tax Credit Agreement

EMERGENCY

527.90 Certificate of Verification

EMERGENCY

527.100 Noncompliance with the Agreement

EMERGENCY

527.110 Recapture and Reallocation of Recaptured Amounts

EMERGENCY

AUTHORITY: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] and the Business Location Efficiency Incentive Act [35 ILCS 11].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 10862, effective August 16, 1999, for a maximum of 150 days; emergency expired on January 22, 2000; adopted at 24 Ill. Reg. 6884, effective April 19, 2000; amended at 29 Ill. Reg. 1186, effective January 5, 2005; amended at 31

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Ill. Reg. 8085, effective May 23, 2007; amended at 32 Ill. Reg. 8916, effective June 3, 2008; emergency amendment at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days; emergency amendment modified in response to Objection of the Joint Committee on Administrative rules at 41 Ill. Reg. 15117, effective November 30, 2017, for the remainder of the 150 days.

Section 527.20 Definitions**EMERGENCY**

The following definitions are applicable to this Part.

"Accessible and affordable mass transit" means access to transit stops with regular and frequent service within one mile from the project site and pedestrian access to transit stops.

"Act" means the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10].

"Affordable workforce housing" means owner-occupied or rental housing that costs, based on current census data for the municipality where the project is located or any municipality within 3 miles of the municipality where the project is located, no more than 35% of the median salary at the project site, exclusive of the highest 10% of the site's salaries. If the project is located in an unincorporated area, "affordable workforce housing" means no more than 35% of the median salary at the project site, excluding the highest 10% of the site's salaries, based on the median cost of rental or of owner-occupied housing in the county where the unincorporated area is located.

"Agreement" means the Agreement between a Taxpayer and the Department under the provisions of Section 5-50 of *the Act*. [35 ILCS 10/5-5]

"Applicant" means a Taxpayer that is operating a business located, or that the Taxpayer plans to locate, within the State of Illinois and that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail,

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retail food, health, or professional services. "Applicant" does not include a Taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State. This does not prohibit a Taxpayer from expanding its operations at another location in the State, provided that existing operations of a similar nature located within the State are not closed or substantially reduced. This also does not prohibit a Taxpayer from moving its operations from one location in the State to another location in the State for the purposes of expanding the operation provided that the Department determines that expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located, after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county. [35 ILCS 10/5-5]

"Business Location Efficiency Incentive" means the incentive created by the Business Location Efficiency Incentive Act [35 ILCS 11].

"Capital improvements" shall include the purchase, renovation, rehabilitation, or construction of permanent tangible land, buildings, structures, equipment and furnishings in an approved project sited in Illinois and in expenditures for goods or services that are normally capitalized, including organizational costs and research and development costs incurred in Illinois. For land, buildings, structures and equipment that are leased, the lease must equal or exceed the term of the Tax Credit Agreement and the cost of the property shall be determined from the present value, using the corporate interest rate prevailing at the time of the application, of the lease payments.

"Credit" means the amount agreed to between the Department and Applicant under this Act, but not to exceed the lesser of:

the sum of

50% of the Incremental Income Tax attributable to New Employees at the Applicant's project and

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10% of the training costs of New Employees; or

100% of the Incremental Income Tax attributable to New Employees at the Applicant's project. However, if the project is located in an underserved area, then the amount of the Credit may not exceed the lesser of:

the sum of

75% of the Incremental Income Tax attributable to New Employees at the Applicant's project and

10% of the training costs of New Employees; or

100% of the Incremental Income Tax attributable to New Employees at the Applicant's project. If an Applicant agrees to hire the required number of New Employees, then the maximum amount of the Credit for that Applicant may be increased by an amount not to exceed 25% of the Incremental Income Tax attributable to Retained Employees at the Applicant's project; provided that, in order to receive the increase for Retained Employees, the Applicant must provide the additional evidence required under Section 5-25(b)(2). [35 ILCS 10/5-5]

"Department" means the Illinois Department of Commerce and Economic Opportunity. [35 ILCS 10/5-5]

"Director" means the Director of the Illinois Department of Commerce and Economic Opportunity. [35 ILCS 10/5-5]

"Employee housing or transportation remediation plan" means a plan to increase affordable housing or transportation options, or both, for employees earning up to the median annual salary of the workforce at the project. The plan may include, but is not limited to, an employer-financed assisted housing program that can be supplemented by State or federal grants or shuttle services between the place of employment and existing transit stops or other reasonably accessible places.

"Existence of infrastructure" means the existence, within 1,500 feet of the proposed site, of roads, sewers, sidewalks, and other utilities and a description of

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the investments or improvements, if any, that an applicant expects State or local government to make to that infrastructure.

"Full-time Employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. [35 ILCS 10/5-5] Annually scheduled periods for inventory or repairs, vacations, holidays and paid time for sick leave, vacation or other leave shall be included in this computation of full-time employment. An individual for whom a W-2 is issued by a Professional Employer Organization (PEO) is a full-time employee if employed in the service of the Applicant for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment to the Applicant. [35 ILCS 10/5-5] For example, an employee who works 25 hours per week is considered the industry standard for full-time in the package delivery industry and an employee who is employed for a least 35 hours per week during the historical seasonal production is considered the industry standard for full-time in the candy manufacturing industry.

"Incremental Income Tax" means the total amount withheld during the taxable year from the compensation of New Employees and, if applicable, Retained Employees under Article 7 of the Illinois Income Tax Act arising from employment at a project that is the subject of an Agreement. [35 ILCS 10/5-5]

"Labor Surplus Area" or "LSA" must have an average unemployment rate at least 20 percent above the average rate for all states (plus the District of Columbia and Puerto Rico) during the previous two calendar years. However, the 20 percent ratio is disregarded:

when this 2-year average for all states is 8.3 percent or above, an average unemployment rate of 10 percent or more will qualify an area, and

when the all-states' average is 5.0 percent or less, an area will qualify with a 6.0 percent average.

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The U.S. Department of Labor issues the labor surplus area listing on a fiscal year basis. The listing becomes effective each October 1 and remains in effect through the following September 30, but may be updated at any time during the fiscal year based on exceptional circumstance petitions. LSAs are classified on the basis of civil jurisdictions (cities with a population of at least 25,000 and all counties). LSAs are authorized by Public Law 96-302 and 20 CFR 654.

"Local workforce investment area" means a single county or multiple counties designated by the Governor, which allows for the receipt of an allotment of funds under Sections 127(b) or 132(b) of the Workforce Innovation and Opportunity Act, P.L. 113-128 (2014) ("WIOA"), with considerations consisting of the extent to which the areas

are consistent with labor market areas in the State;

are consistent with regional economic development areas in the State; and

have available the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of WIOA,

including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

"Location efficient" means a project that maximizes the use of existing investments in infrastructure, avoids or minimizes additional government expenditures for new infrastructure, and has nearby housing affordable to the permanent workforce of the project or has accessible and affordable mass transit or its equivalent or some combination of both.

"Location efficiency report" means a report that is prepared by an applicant for increased State economic development assistance, under Section 10 of the Business Location Efficiency Incentive Act [35 ILCS 11/10] and follows that Act, and that describes the existence of affordable workforce housing or accessible and affordable mass transit or its equivalent. [35 ILCS 11/5]

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"New Employee" means a full-time employee first employed by a Taxpayer in the project that is the subject of an Agreement and who is hired after the Taxpayer enters into the tax credit Agreement and who continues to be employed by the Taxpayer on the last day of the taxable year for which the Taxpayer seeks a Credit under this Act.

The term "New Employee" does not include:

an employee of the Taxpayer who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;

an employee of the Taxpayer who was previously employed in Illinois by a Related Member of the Taxpayer and whose employment was shifted to the Taxpayer after the Taxpayer entered into the tax credit Agreement;

any individual who has a direct or an indirect ownership interest of at least 5% in the profits, equity, capital, or value of the Taxpayer or a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, equity, capital, or value of the Taxpayer; or

an employee of the Taxpayer who was previously employed in Illinois by the Taxpayer and whose employment was shifted to the project after the Taxpayer entered into the tax credit Agreement.

Notwithstanding paragraph (1) of subsection (b), an employee may be considered a New Employee under the Agreement if the employee performs a job that was previously performed by an employee who was:

treated under the Agreement as a New Employee; and

promoted by the Taxpayer to another job. [35 ILCS 10/5-5]

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Notwithstanding subsection (a), the Department may award a Credit to an Applicant with respect to an employee hired prior to the date of the Agreement if:

the Applicant is in receipt of a letter from the Department stating an intent to enter into a credit Agreement;

the letter described in paragraph (1) is issued by the Department not later than 15 days after the effective date of this Act; and

the employee was hired after the date the letter described in paragraph (1) was issued.

An employee shall be considered a new employee under the Agreement if the employee fills a job vacancy that had been continuously vacant for the 184 day period immediately preceding the date of the Agreement. A job vacancy whose incumbent is on approved leave, is locked out or is on strike is not a vacancy.

"Noncompliance Date" means, in the case of a Taxpayer that is not complying with the requirements of the Agreement or the provisions of this Act, the day following the last date upon which the Taxpayer was in compliance with the requirements of the Agreement and the provisions of this Act, as determined by the Director, pursuant to Section 5-65. [35 ILCS 10/5-5]

"Pass Through Entity" means an entity that is exempt from the tax under Section 205(b) or (c) of the Illinois Income Tax Act. [35 ILCS 10/5-5]

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function.

"Professional Employer Organization" or "PEO" means an employee leasing company that is an individual or entity contracting with a client to supply or assume responsibility for personnel management of one or more workers to perform services for the client on an on-going basis rather than under a temporary

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help arrangement, *as defined in Section 206.1(A)(2) of the Illinois Unemployment Insurance Act* [820 ILCS 405]. [35 ILCS 10/5-5]

"Professional services" means a taxpayer engaged in the practice of law or medicine.

"Project" means a for-profit economic development activity or activities at a single site, or of one or more taxpayers at multiple sites if the economic activities are vertically integrated.

"Project costs" includes cost of the project incurred or to be incurred by the taxpayer including: *capital investment, including, but not limited to, equipment, buildings, or land; infrastructure development; debt service, except refinancing of current debt; research and development; job training and education; lease costs or relocation costs*, but excludes the value of State incentives, including discretionary tax credits, discretionary job training grants, or the interest savings of below market rate loans. [35 ILCS 10/5-30]

"*Related Member*" means a person that, with respect to the Taxpayer during an portion of the taxable year, is any one of the following:

An individual stockholder, if the stockholder and the members of the stockholder's family (as defined in Section 318 of the Internal Revenue Code) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the Taxpayer's outstanding stock.

A partnership, estate, or trust of any partner or beneficiary, if the partnership, estate, or trust, and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, equity, capital, stock, or value of the Taxpayer.

A corporation, and any party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the Taxpayer owns directly, indirectly, beneficially, or constructively at least 50% of the value of the corporation's outstanding stock.

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A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the corporation and all such related parties own in the aggregate at least 50% of the profits, equity, capital, stock, or value of the Taxpayer.

A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code, except, for purposes of determining whether a person is a Related Member under this paragraph, 20% shall be substituted for 5% wherever 5% appears in Section 1563(e) of the Internal Revenue Code. [30 ILCS 10/5-5]

"Retained Employee" means a Full-Time Employee employed by a Taxpayer during the term of the Agreement whose job duties are directly and substantially-related to the project. For purposes of this definition, "directly and substantially-related to the project" means at least two-thirds of the employee's job duties must be directly related to the project and the employee must devote at least two-thirds of his or her time to the project. The term "Retained Employee " does not include any individual who has a direct or an indirect ownership interest of at least 5% in the profits, equity, capital, or value of the Taxpayer or a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has direct or indirect ownership interest of at least 5% in the profits, equity, capital, or value of the taxpayer.

"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois Income Tax liability. [35 ILCS 10/5-5]

"Training costs" means costs incurred to upgrade the technological skills of Full-Time Employees in Illinois and includes: curriculum development; training materials (including scrap product costs); trainee domestic travel expenses; instructor costs (including wages, fringe benefits, tuition and domestic travel expenses); rent, purchase or lease of training equipment; and other usual and customary training costs. "Training costs" do not include costs associated with travel outside the United States (unless the Taxpayer receives prior written approval for such travel by the Department Director based on a showing of

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substantial need or other proof that such training is not reasonably available within the United States), wages and fringe benefits of employees during periods of training, or administrative cost related to Full-Time Employees of the Taxpayer.

"Underserved area" means a geographic area that meets one or more of the following conditions:

the area has a poverty rate of at least 20% according to the latest federal decennial census, the most recent American Community Survey released by the U.S. Census Bureau or other appropriate data source produced by the U.S. Census Bureau;

75% or more of the children in the area are eligible to participate in the federal free lunch or reduced-price meals program according to reported statistics from the State Board of Education ~~for a period of at least two (2) consecutive calendar years preceding the date of the application;~~

at least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program (SNAP) according to data from the U.S. Census Bureau ~~for a period of at least two (2) consecutive calendar years preceding the date of the application;~~ or

the area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the U.S. Department of Labor, for a period of at least two (2) consecutive calendar years preceding the date of the application. [35 ILCS 10/5-5]

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days; emergency rule modified in response to Objection of the Joint Committee on Administrative Rules at 41 Ill. Reg. 15117, effective November 30, 2017, for the remainder of the 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of November 28, 2017 through December 4, 2017. These rulemakings are scheduled for review at the Committee's December 12, 2017 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
1/10/18	<u>Department of Labor, Rules and Regulations</u> Relating to the Operation of Private Employment Agencies (68 Ill. Adm. Code 680)	12/27/16 40 Ill. Reg. 16176	12/12/17
1/12/18	<u>Department of Healthcare and Family Services,</u> Hospital Services (89 Ill. Adm. Code 148)	9/15/17 41 Ill. Reg. 11508	12/12/17

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Issue Index - With Effective Dates

Rules acted upon in Volume 41, Issue 50 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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