

2007

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 31, Issue 51
December 21, 2007
Pages 16599-16784

Index Department
Administrative Code Division
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

December 21, 2007 Volume 31, Issue 51

PROPOSED RULES

AGING, DEPARTMENT ON

Community Care Program

89 Ill. Adm. Code 24016599

COMMERCE COMMISSION, ILLINOIS

Rules of Practice

83 Ill. Adm. Code 20016616

Environmental Disclosure

83 Ill. Adm. Code 42116623

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF

Medical Assistance Programs

89 Ill. Adm. Code 12016629

Child Support Enforcement

89 Ill. Adm. Code 16016651

NATURAL RESOURCES, DEPARTMENT OF

Conservation Stewardship Program

17 Ill. Adm. Code 258016682

POLLUTION CONTROL BOARD

Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants

35 Ill. Adm. Code 101016685

REVENUE, DEPARTMENT OF

Income Tax

86 Ill. Adm. Code 10016695

SECRETARY OF STATE

Certificates of Title, Registration of Vehicles

92 Ill. Adm. Code 101016718

ADOPTED RULES

COMMERCE COMMISSION, ILLINOIS

Organization and Public Information

2 Ill. Adm. Code 170016734

STATE BOARD OF ELECTIONS

Practice and Procedure

26 Ill. Adm. Code 12516738

EMERGENCY RULES

NATURAL RESOURCES, DEPARTMENT OF

Conservation Stewardship Program

17 Ill. Adm. Code 258016751

PEREMPTORY RULES

AGRICULTURE, DEPARTMENT OF

Meat and Poultry Inspection Act

8 Ill. Adm. Code 125	16763
REGULATORY AGENDA	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF State Employees Group Insurance Program 80 Ill. Adm. Code 2105	16770
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES Second Notices Received.....	16774
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
Pearl Harbor Remembrance Day (Revised) 2007-404.....	16775
Henry John Hyde (Revised) 2007-408.....	16776
University of Illinois Fighting Illini Day 2007-409.....	16776
Opticians Month 2007-410.....	16777
Cpl. Allen Roberts 2007-411.....	16778
Crime Stoppers of Lake County Month 2007-412.....	16779
Crossing Guard Appreciation Day 2007-413.....	16780
Reynaldo P. Glover Day 2007-414.....	16780
Teen Test Day 2007-415.....	16781
Career and Technical Education Month 2007-416.....	16782
Gubernatorial Proclamation 2007-417.....	16783

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.].

2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 20, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
11	March 5, 2007	March 16, 2007
12	March 12, 2007	March 23, 2007
13	March 19, 2007	March 30, 2007
14	March 26, 2007	April 6, 2007
15	April 2, 2007	April 13, 2007
16	April 9, 2007	April 20, 2007
17	April 16, 2007	April 27, 2007
18	April 23, 2007	May 4, 2007
19	April 30, 2007	May 11, 2007
20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
23	May 29, 2007	June 8, 2007

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 4, 2007	June 15, 2007
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
30	July 16, 2007	July 27, 2007
31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
38	September 10, 2007	September 21, 2007
39	September 17, 2007	September 28, 2007
40	September 24, 2007	October 5, 2007
41	October 1, 2007	October 12, 2007
42	October 9, 2007	October 19, 2007
43	October 15, 2007	October 26, 2007
44	October 22, 2007	November 2, 2007
45	October 29, 2007	November 9, 2007
46	November 5, 2007	November 16, 2007
47	November 13, 2007	November 23, 2007
48	November 19, 2007	November 30, 2007
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

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 1, 2007 to January 2, 2008 by 4:30 pm, as January 1st is a holiday and the office will be closed.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
240.865	Amend
240.920	Amend
240.950	Amend
- 4) Statutory Authority: 20 ILCS 10/4.01(11) and 4.02 (as amended by Public Act 95-0565 (effective June 1, 2008))
- 5) A Complete Description of the Subjects and Issues Involved: Section 240.865: Revises eligibility requirement for new applicants seeking in-home and community-based services under the Community Care Program by establishing a good faith effort standard for enrollment in Medical Programs under Article V of the Illinois Public Aid Code so it better corresponds with the legislative mandate set forth in Public Act 95-0565. Also establishes an exception to this good faith enrollment eligibility requirement based on undue hardship.

Section 240.920: Revises the listings of the reasons for denying eligibility under the Community Care Program to (1) aid operational efficiency in implementing changes in the eligibility requirement relating to the maximum value of non-exempt assets and (2) update the provision regarding refusal to make a good faith effort to enroll in Medical Programs under Article V of the Public Act Code so it better corresponds with the legislative mandate set forth in Public Act 95-0565.

Section 240.950: Revises the listings of the bases for terminating in-home and community-based services under the Community Care Program to (1) aid operational efficiency in implementing changes in the eligibility requirement relating to the maximum value of non-exempt assets and (2) update the provision regarding refusal to make a good faith effort to enroll in Medical Programs under Article V of the Public Act Code so it better corresponds with the legislative mandate set forth in Public Act 95-0565.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section:</u>	<u>Action:</u>	<u>Illinois Register Citation:</u>
240.1800	Amendment	31 Ill. Reg. 16375; December 14, 2007

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this Notice to:

Karen Alice Kloppe
Assistant General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield IL 62701-1789

217/785-3346

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Providers of case management services under the Community Care Program.
- B) Reporting, bookkeeping or other procedures required for compliance: Communicating eligibility requirements to new applicants seeking in-home and community-based services under the Community Care Program and documenting results of eligibility assessments in confidential personal records.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: Assess eligibility for the Community Care Program and assist new applicants by providing, completing and submitting a Medical Programs application.

- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.370 Voluntary Repayment

SUBPART D: APPEALS

Section

240.400 Appeals and Fair Hearings
240.405 Representation
240.410 When the Appeal May Be Filed
240.415 What May Be Appealed
240.420 Group Appeals
240.425 Informal Review
240.430 Informal Review Findings
240.435 Withdrawing an Appeal
240.436 Cancelling an Appeal
240.440 Examining Department Records
240.445 Hearing Officer
240.450 The Hearing
240.451 Conduct of Hearing
240.455 Continuance of the Hearing
240.460 Postponement
240.465 Dismissal Due to Non-Appearance
240.470 Rescheduling the Appeal Hearing
240.475 Recommendations of Hearing Officer
240.480 The Appeal Decision
240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section

240.510 Application for Community Care Program
240.520 Who May Make Application
240.530 Date of Application
240.540 Statement to be Included on Application

SUBPART F: ELIGIBILITY

Section

240.600 Eligibility Requirements
240.610 Establishing Eligibility

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Homemaker Service
240.729	Maximum Payment Levels for Adult Day Care Service
240.730	Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.750	Citizenship
240.755	Residence
240.760	Furnishing of Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

Section	
240.800	Financial Factors
240.810	Assets
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income
240.840	Potential Retirement, Disability and Other Benefits
240.845	Family
240.850	Monthly Average Income
240.855	Applicant/Client Expense for Care

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.860	Change in Income
240.865	Application For Medical Programs Assistance (Medicaid)
240.870	Determination of Applicant/Client Monthly Expense for Care
240.875	Client Responsibility

SUBPART I: DISPOSITION OF DETERMINATION

Section	
240.905	Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
240.910	Written Notification
240.915	Service Provision
240.920	Reasons for Denial
240.925	Frequency of Redeterminations (Renumbered)
240.930	Suspension of Services
240.935	Discontinuance of Services to Clients
240.940	Penalty Payments
240.945	Notification
240.950	Reasons for Termination
240.955	Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

Section	
240.1010	Nursing Facility Screening
240.1020	Interim Services
240.1040	Intense Service Provision
240.1050	Temporary Service Increase

SUBPART K: TRANSFERS

Section	
240.1110	Individual Transfer Request – Vendor to Vendor – No Change in Service
240.1120	Individual Transfer Request – Vendor to Vendor – With Change in Service
240.1130	Individual Transfers – Case Coordination Unit to Case Coordination Unit
240.1140	Transfer of Pending Applications
240.1150	Interagency Transfers
240.1160	Temporary Transfers – Case Coordination Unit to Case Coordination Unit
240.1170	Caseload Transfer – Vendor to Vendor

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.1180 Caseload Transfer – Case Coordination Unit to Case Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section

240.1210 Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

Section

240.1310 Standard Contractual Requirements for Case Coordination Units and Providers
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
240.1330 General Vendor and CCU Responsibilities (Repealed)
240.1396 Payment for Services (Repealed)
240.1397 Purchases and Contracts (Repealed)
240.1398 Safeguarding Case Information (Repealed)
240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

SUBPART N: CASE COORDINATION UNITS

Section

240.1400 Community Care Program Case Management
240.1410 Case Coordination Unit Administrative Minimum Standards
240.1420 Case Coordination Unit Responsibilities
240.1430 Case Management Staff Positions, Qualifications and Responsibilities
240.1440 Training Requirements For Case Management Supervisors and Case Managers

SUBPART O: PROVIDERS

Section

240.1510 Provider Administrative Minimum Standards
240.1520 Provider Responsibilities
240.1530 General Homemaker Staffing Requirements
240.1535 Homemaker Staff Positions, Qualifications and Responsibilities
240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)
240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities
(Repealed)
240.1550 Standard Requirements for Adult Day Service Providers
240.1555 General Adult Day Service Staffing Requirements

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.1560	Adult Day Service Staff
240.1565	Adult Day Service Satellite Sites
240.1570	Service Availability Expansion
240.1575	Adult Day Care Site Relocation
240.1580	Standards for Alternative Providers
240.1590	Standard Requirements for Individual Provider Services

SUBPART P: PROVIDER PROCUREMENT

Section

240.1600	Provider Contract
240.1605	Procuring Provider Services
240.1610	Procurement Cycle for Provider Services (Repealed)
240.1620	Issuance of Provider Proposal and Guidelines
240.1625	Content of Provider Proposal and Guidelines
240.1630	Criteria for Number of Provider Contracts Awarded
240.1635	Evaluation of Provider Proposals
240.1640	Determination and Notification of Provider Awards
240.1645	Objection to Procurement Action Determination
240.1650	Classification, Identification and Receipt of Provider Service Violations
240.1655	Method of Identification of Provider Service Violations (Repealed)
240.1660	Provider Performance Reviews
240.1661	Provider and Case Coordination Unit Right to Appeal
240.1665	Contract Actions for Failure to Comply with Community Care Program Requirements

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section

240.1710	Procurement Cycle For Case Management Services
240.1720	Case Coordination Unit Performance Review

SUBPART R: ADVISORY COMMITTEE

Section

240.1800	Community Care Program Advisory Committee
240.1850	Technical Rate Review Advisory Committee (Repealed)

SUBPART S: PROVIDER RATES

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

Section

- 240.1910 Establishment of Fixed Unit Rates
- 240.1920 Contract Specific Variations
- 240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service
- 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation
- 240.1950 Adult Day Care Fixed Unit Reimbursement Rates
- 240.1960 Case Management Fixed Unit Reimbursement Rates

SUBPART T: FINANCIAL REPORTING

Section

- 240.2020 Financial Reporting of Homemaker Service
- 240.2030 Unallowable Costs for Homemaker Service
- 240.2040 Minimum Direct Service Worker Costs for Homemaker Service
- 240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006; amended at 32 Ill. Reg. _____, effective _____.

SUBPART H: FINANCIAL REQUIREMENTS

Section 240.865 Application For Medical ~~Programs Assistance (Medicaid)~~

Effective July 1, ~~2008~~2002, applicants/~~clients~~ will be required to make a good faith effort to apply for and, if financially eligible, enroll in Medical Programs ~~medical assistance (Medicaid)~~ under Article V of the Illinois Public Aid Code as a condition of eligibility for the Community

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

Care Program (CCP).

- a) Exceptions to this enrollment requirement will be allowed only if the case manager can verify that:
 - 1) a denial notice was issued in response to a Medical Programs application within the prior 24-month period and there is no action that can be taken by the applicant to become eligible for the program;
 - 2) the value of non-exempt assets ~~that~~ are owned by the applicant exceeds twice the level of the asset disregard limit of the Medical Programs;
 - 3) the applicant is prohibited from enrolling in Medical Programs due to immigration status; or
 - 4) compelling circumstances exist making such effort an undue hardship on the applicants (e.g., the unavailability of documentation, a disability or chronic physical impairment of the applicant renders him or her unable to participate in the eligibility determination process, etc.).
- b) The case manager shall, when needed:
 - 1) provide the applicant with a copy of the mail-in Medical Programs application;
 - 2) assist the applicant with completing the application; and
 - 3) submit the application to the applicant's local Family Community Resource Center (FCRC).
- c) A good faith effort includes obtaining, completing and submitting a Medical Programs application together with any required supporting documentation.
- d) Services shall be provided to applicants by the Department during the period in which a Medical Programs application is pending.
- e) Although applicants/~~clients~~ must agree to apply for ~~and, if financially eligible, enroll in Medical Programs~~medical assistance (Medicaid), applicants/~~clients~~ are not required to meet the eligibility criteria for Medical Programs under Article V

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

[of the Illinois Public Aid Code](#) ~~Medicaid~~ to receive benefits under the Community Care Program.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART I: DISPOSITION OF DETERMINATION

Section 240.920 Reasons for Denial

Denial of Community Care Program (CCP) eligibility shall be based upon one or more of the reasons identified [in this Section](#) below:

- a) Applicant is less than 60 years of age at the time of the determination of eligibility.
- b) Applicant is not in need of CCP services: scored less than 29 total points/less than 15 points on Part A, Level of Impairment, of the Determination of Need.
- c) Applicant/authorized representative refuses to sign Client Agreement – Plan of Care.
- d) Applicant/authorized representative refuses to sign Client Agreement – Plan of Care based upon the expense to be incurred monthly as required on the Client Agreement – Plan of Care.
- e) Applicant/authorized representative does not agree with plan of care/hours of service.
- f) Applicant is deceased.
- g) Applicant has been institutionalized for more than 60 calendar days from the date of application.
- h) Applicant/authorized representative voluntarily withdraws application.
- i) Applicant cannot be located to determine eligibility [for or to](#) provide CCP services.
- j) Applicant/authorized representative has not provided reasonable documentation

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

supporting eligibility as required by the Department or its Case Coordination Unit (CCU) within 90 calendar days ~~after~~from the date of receipt of the completed application.

- k) Applicant/authorized representative has not cooperated with the Department/CCU/vendor as required and as specified by Section 240.350.
- l) Applicant does not meet citizenship requirements.
- m) Applicant does not meet residency requirements.
- n) A plan of care cannot be developed that adequately meets the applicant's determined needs.
 - 1) The determination that an adequate plan of care cannot be developed shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the supportive endorsement that an adequate plan of care cannot be developed shall be so documented.
 - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care cannot be developed in accordance with Section 240.715.
- o) The total value of applicant's non-exempt assets does not exceed the current requirement as determined by the Department~~is in excess of \$17,500~~.
- p) Applicant has not provided the Physician, Nurse Practitioner, Registered Nurse or Christian Science Practitioner endorsement as required by Section 240.730(d).
- q) Eligibility could not be established for an applicant who was receiving interim services based upon presumptive eligibility as required by Section 240.1020.
- r) Applicant/authorized representative provided fraudulent information.
- s) Applicant whose CCP services were previously denied or terminated for non-cooperation as set forth in Section 240.350 shall be denied services upon re-application, except as the situation or condition which led to the memorandum of

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

understanding (see Section 240.350) has been permanently resolved.

- t) Applicant has an outstanding bill for CCP services provided prior to this application which he/she refuses to pay.
- u) Applicant chooses not to receive CCP services from the list of authorized vendors and has so indicated on the Client's Vendor Selection form.
- v) Applicant received interim services in the past for which an incurred expense was never paid.
- w) Applicant has transferred non-exempt assets within the past 36 months for the purpose of obtaining CCP services.
- x) Applicant/authorized representative has not reported or refused to provide documentation of changes in circumstances which have occurred prior to eligibility determination as required by Section 240.360.
- y) ~~Applicant Effective July 1, 2002, applicant~~ refuses to apply for and, if eligible, enroll in Medical Programs medical assistance (Medicaid) under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] as required by Section 240.865.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 240.950 Reasons for Termination

A client shall be terminated from the Community Care Program (CCP) for one or more of the reasons identified in this Section below:

- a) client is deceased;
- b) client is an in-patient of any institution or is otherwise not available for services for more than 60 calendar days;
- c) client's condition has improved and there is no longer a need for CCP services as measured by the CCP Determination of Need (DON);
- d) client cannot be located;

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- e) client has requested termination of services;
- f) client refuses transfer to a different vendor/Case Coordination Unit (CCU) and the current vendor/CCU cannot provide services needed by the client;
- g) client has failed to cooperate with the Department/CCU/vendor as required and as specified in Section 240.350;
- h) client no longer meets citizenship requirements;
- i) client no longer meets residency requirements;
- j) a plan of care cannot be developed that adequately meets the client's determined needs in accordance with Section 240.715.
 - 1) Such determination shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the endorsement shall be so documented.
 - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care (see Section 240.730(d)) cannot be developed;
- k) client's non-exempt assets have increased and exceed the current requirement as determined by the Department \$17,500 (see Section 240.810(a));
- l) client failed to report the transfer of non-exempt assets as required by Section 240.820;
- m) client, initially determined eligible prior to July 6, 1982 (see Section 240.800(a) and (b)), who has had continuous service since that time, refuses to declare income/assets upon redetermination;
- n) client has failed to report or refused to provide documentation of changes in circumstances as required by Section 240.360;
- o) client refuses to sign a Client Agreement – Plan of Care (see Section 240.855(c));

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- p) client rejects CCP services under Section 240.330 and has so indicated on the Client's Vendor Selection form;
- q) a client, whose CCP services were discontinued for non-payment of incurred expense for care, has not made payment for the indebtedness, and has not received CCP services for more than one year (see Section 240.935(e)); or
- r) ~~effective July 1, 2002,~~ client refuses to apply for and, if eligible, enroll in Medical Programs medical assistance (Medicaid) under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] as required by Section 240.865.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Rules of Practice
- 2) Code Citation: 83 Ill. Adm. Code 200
- 3) Section Number: 200.60 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Commerce Commission has adopted 83 Ill. Adm. Code 200, "Rules of Practice" to govern practice in proceedings before the Commission. P.A. 95-0127, which became effective on August 13, 2007, added the following language to Section 2-107 of the Public Utilities Act:

At each regular and special meeting that is open to the public, members of the public shall be afforded time, subject to reasonable constraints, to make comments to or to ask questions of the Commission.

The Commission's current Rules of Practice contain language limiting participation at Commission meetings to Commissioners, certain Staff, and Hearing Examiners. The proposed amendment implements the new language in Section 2-107 by referencing 2 Ill. Adm. Code 1700.10. The proposed amendment also updates the Commission's web address and deletes language concerning consideration of items not on the agenda to reflect current case law (Rice v. Board of Trustees, 261 Ill. Dec. 278).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Not applicable
- 7) Will this proposed amendment replace any emergency amendment currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed amendment contain incorporations by reference? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 07-0579, with:
- Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
- 217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect small businesses as defined in the Illinois Administrative Procedure Act desiring to exercise rights granted by Section 2-107 of the Public Utilities Act. These amendments will affect any small municipalities or not for profit corporations desiring to exercise rights granted by Section 2-107 of the Public Utilities Act.
- 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 included on either of the 2 most recent regulatory agendas because: the Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITYPART 200
RULES OF PRACTICE

SUBPART A: GENERAL PROVISIONS

Section	
200.10	Procedure Governed
200.20	Construction of This Part
200.25	Standards for Discretion
200.30	Deviation from This Part
200.40	Definitions
200.50	Office
200.60	Open Meetings
200.70	Submission of Paper Documents
200.80	Computation of Time
200.90	Appearances
200.95	Class Actions Prohibited

SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

Section	
200.100	Contents of Pleadings and Documents
200.110	Forms of Pleadings and Documents
200.120	Copies of Pleadings
200.130	Signature and Verification
200.140	Amendments
200.150	Service
200.160	Informal Complaints
200.170	Formal Complaints
200.180	Answers
200.185	Satisfaction of Complaint
200.190	Motions
200.200	Intervention
200.210	Petition for Rulemaking

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

200.220 Declaratory Rulings

SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

Section

200.300 Prehearing Conferences
200.310 Other Prehearing Submissions
200.320 Facts Disclosed Privileged
200.330 Recordation and Order
200.335 Application of Discovery Rules Contained in Sections 200.340 through 200.430
200.340 Policy on Discovery
200.345 Discovery by Staff Witnesses
200.350 Reasonable Attempts to Resolve Differences Required
200.360 Depositions and Other Discovery Procedures
200.370 Supervision of Discovery
200.380 Subpoenas
200.390 Motion to Quash Subpoena
200.400 Service and Fees Payable
200.410 Time Limits on Discovery
200.420 Failure to Comply With a Discovery Order or a Subpoena
200.430 Protective Orders

SUBPART D: HEARING PROCEDURE

Section

200.500 Authority of Hearing Examiner
200.505 Recessing Hearing For Conference or Discussion
200.510 Disqualification of Hearing Examiner
200.520 Interlocutory Review of Hearing Examiner's Ruling
200.525 Paper Hearings
200.530 Notice, Time and Place of Hearings
200.540 Recording Appearances at Hearings
200.550 Failure to Appear or to Exercise Diligence in Proceeding
200.560 Continuances
200.570 Order of Procedure and Receiving Evidence
200.580 Transcripts
200.590 Conduct at Hearings
200.600 Consolidation and Severance
200.605 Procedure for the Identification and Treatment in Hearings of Confidential or

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

	Proprietary Information or a Trade Secret
200.610	Evidence
200.615	Waiver of Cross-examination
200.620	Testimony to be Under Oath or Affirmation
200.625	Examination of Adverse Party or Agent
200.630	Stipulation of Facts
200.640	Administrative Notice
200.650	Records of Other Proceedings
200.660	Prepared Testimony
200.670	Exhibits
200.680	Objections
200.690	Offer of Proof
200.700	Record in Commission Proceedings
200.710	Ex Parte Communications

SUBPART E: POST-HEARING PROCEDURE

Section	
200.800	Briefs
200.810	Draft Orders
200.820	Hearing Examiner's Recommended or Proposed Order
200.830	Exceptions; Reply
200.840	Filing of Briefs
200.850	Oral Argument
200.860	Commission Order
200.870	Additional Hearings
200.875	Post-Record Data
200.880	Rehearing
200.890	Appeals
200.900	Reopening on Motion of the Commission

SUBPART F: ELECTRONIC FILING

Section	
200.1000	Overview of Electronic Filing
200.1010	Acceptable Formats
200.1020	e-Docket Accounts
200.1030	Control Processes
200.1040	Submission of Electronic Documents

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 200.1045 Electronic Documents Accepted by the Commission
200.1050 Service by Electronic Means
200.1060 Electronic Documents and the Hearing Process

AUTHORITY: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Filed and effective January 15, 1960; codified at 8 Ill. Reg. 18459; old rules repealed and new Part adopted at 9 Ill. Reg. 5627, effective April 15, 1985; emergency amendments at 10 Ill. Reg. 1277, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10481, effective May 30, 1986; amended at 18 Ill. Reg. 7748, effective May 15, 1994; amended at 20 Ill. Reg. 10607, effective August 15, 1996; emergency amendment at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16019, effective October 15, 2000; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 200.60 Open Meetings

- a) The Commission shall comply with the provisions of the Open Meetings Act [5 ILCS 120].
- b) Emergency meetings may be called by the Chairman or a majority of the Commission. Nothing in this Part shall prohibit the Commission from conducting meetings partially or wholly by means of telecommunications.
- c) The agenda for each regular meeting shall be posted at the Commission's principal office in Springfield, in an area easily accessible to the public, at the earliest practicable date but in no event less than 48 hours prior to the scheduled meeting. Whenever practicable, similar posting of the agenda shall be made in the Commission's offices in Chicago and on the Commission's Web site (<http://www.icc.illinois.gov>~~http://www.icc.state.il.us~~). A supplemental agenda of matters added subsequent to the initial agenda shall be posted when practicable. Agendas for regular meetings are for information only. Inclusion of an item on the agenda shall not require the Commission to consider it, ~~and absence of an item from the agenda shall not preclude the Commission from considering or acting~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

~~upon it.~~ Notices and agendas may be obtained from the Chief Clerk's office in Springfield and Chicago.

- d) Participation in meetings is generally limited to Commissioners, Hearing Examiners, and Commission Staff other than Staff witnesses. Except where precluded by Section 200.710, others~~Others~~ may participate in Commission meetings as prescribed in 2 Ill. Adm. Code 1700.10 or on invitation of the Commission ~~except where precluded by Section 200.710~~. The Commission shall take those actions necessary to permit its deliberations to be conducted in an orderly manner.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Environmental Disclosure
- 2) Code Citation 83 Ill. Adm. Code 421
- 3) Section Number: 421.30 Proposed Action: Amendment
- 4) Statutory Authority: : Implementing and authorized by Section 16-127 of the Public Utilities Act [220 ILCS 5/16-127]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Commerce Commission has adopted Part 421, "Environmental Disclosure" to require electric utilities and alternative retail electric suppliers to inform their customers on the sources of electricity used by the utilities or suppliers. The Part sets out the guidelines for the provision of the information. The proposed amendment will update the Part regarding changes in information technology that have occurred since the adoption of this Part. The proposed amendment also updates the Commission's web address.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Not applicable
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking amendments contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 07-0564, with:

Chief Clerk
Illinois Commerce Commission

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations unless they are also subject jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures.
 - C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 421
ENVIRONMENTAL DISCLOSURE

Section

421.10	Applicability
421.20	Definitions
421.30	Disclosure Statements Provided to the Commission
421.40	Customer Billing Disclosure Statements
421.EXHIBIT A	Sources of Electricity Table
421.EXHIBIT B	Sources of Electricity Supplied Pie-Chart
421.EXHIBIT C	Emissions and Nuclear Waste Table

AUTHORITY: Implementing and authorized by Section 16-127 of the Public Utilities Act [220 ILCS 5/16-127].

SOURCE: Adopted at 22 Ill. Reg. 22220, effective December 15, 1998; amended at 32 Ill. Reg. _____, effective _____.

Section 421.30 Disclosure Statements Provided to the Commission

- a) The following information shall be submitted to the Commission from every utility and ARES, to the maximum extent practicable, on at least a quarterly basis:
 - 1) A break-down, on a percentage basis, of the known sources of electricity supplied in Illinois. This break-down shall provide percentages of biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, solar power, wind power, other resources and unknown resources purchased from other companies, respectively.
 - A) The percentage used shall be rounded to the nearest whole number.
 - B) Any source of electricity in subsection (a)(1) that is not used shall be listed in the table and depicted as "0%".
 - C) This table shall be as depicted in Exhibit A.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 2) A pie-chart, which graphically depicts the information in subsection (a)(1), shall also be provided.
 - A) Any source of electricity in subsection (a)(1) that is not used shall not be depicted in the pie-chart;
 - B) Each segment in the pie-chart shall be depicted in the following colors: biomass power - light brown; coal-fired power - black; hydro power - blue; natural gas-fired power - grey; nuclear power - red; oil-fired power - dark brown; solar power - yellow; wind power - green; other resources - white; and unknown resources purchased from other companies - purple.
 - C) This pie-chart shall be as depicted in Exhibit B.
- 3) A table shall be provided that depicts the amounts of carbon dioxide, nitrogen oxides and sulfur dioxide emissions and high-level and low-level nuclear waste attributable to the aggregate known sources of electricity identified in subsection (a)(1).
 - A) The carbon dioxide emissions, nitrogen oxide emissions, and sulfur dioxide emissions shall be stated in pounds per 1,000 kilowatt-hours (lbs/1,000 kWh).
 - B) The high-level nuclear waste shall be stated in pounds of high-level nuclear waste per 1,000 kilowatt-hours (lbs/1,000 kWh).
 - C) The low-level nuclear waste shall be stated in cubic feet of low-level nuclear waste per 1,000 kilowatt-hours (ft³/1,000 kWh).
 - D) Any high-level nuclear waste that is less than "0.0001" shall be depicted as "<0.0001".
 - E) The table shall include a footnote to disclose the percentage of total electrical power supplied for which the utility or ARES does not know the amount of emissions in subsection (a)(3)(A) or nuclear waste in subsections (a)(3)(B) and (C).

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- F) This table and footnote shall be as depicted in Exhibit C.
- 4) Any other information the utility or ARES believes to be relevant to the information required may be provided.
- 5) A utility or ARES submitting information shall identify itself on such information.
- b) Information timetable
- 1) Information in subsection (a) for the 12 month period ending March 31 of each year shall be provided to the Commission on July 1 of that year; information for the 12 month period ending June 30 of each year shall be provided on October 1 of that year; information for the 12 month period ending September 30 of each year shall be provided on January 1 of the following year; and information for the 12 month period ending December 31 of each year shall be provided on April 1 of the following year.
- 2) For disclosure during calendar year 1999, utilities and ARES shall provide information for the preceding 12 month period, to the extent such information is available. Utilities and ARES shall explicitly state the period on which the disclosure is based.
- c) Filing requirements
- 1) The information required to be filed by this Part shall be submitted to the Commission in both printed and electronic form. The printed version shall be the same as that submitted in mailings to customers pursuant to Section 16-127(a) and (b) of the Act [220 ILCS 5/16-127(a) and (b)] and shall be the official version filed with the Commission's Chief Clerk. The computerized version of the data and information shall be in a clearly legible 12 point font size in the format described in subsections (a)(1), (2), and (3) of this Section and provided electronically in PDF (Adobe Acrobat Portable Document Format) Microsoft Word Version 7.0, IBM personal computer compatible file format and delivered to the Commission's offices on CDs (Compact Discs) or DVDs (Digital Video Discs and Digital Versatile Discs) 3.5 inch floppy disks. If the computerized version is scanned from paper, it shall be saved in a PDF that includes both image and text to allow indexing. The computerized version of the data and

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

information shall be included in the Commission's World Wide Web site (www.icc.illinois.gov ~~www.icc.state.il.us~~).

- 2) The information filed with the Commission pursuant to this Section shall be signed by an officer, agent or attorney for the utility or ARES. The contents of the filing shall be verified by the filing party before a notary public.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
120.60	Amendment
120.384	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and 305 ILCS 5/5-2.07
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments are due to PA 094-847 that amended the Public Aid Code. The law provides that, subject to federal approval of a State Medicaid Plan amendment, persons who fail to qualify for basic maintenance under the Aid to the Aged, Blind or Disabled (AABD) program on the basis of need because of excess income or assets, or both, may establish eligibility for medical assistance by paying their monthly Medicaid spend-down amount to the Department or by having a third party pay that amount to the Department. The Department anticipates receiving federal approval within a few months.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? Yes

<u>Sections:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
120.32	Amendment	31 Ill. Reg. 15424; November 26, 2007
120.33	New Section	31 Ill. Reg. 15424; November 26, 2007
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/557-7157

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medical providers
 - 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 2007

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 120.319 Assignment of Rights to Medical Support and Collection of Payment
- 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
- 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
- 120.324 Health Insurance Premium Payment (HIPP) Program
- 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
- 120.326 Foster Care Program
- 120.327 Social Security Numbers
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Child Support and Spousal Maintenance Payments
- 120.345 Earmarked Income
- 120.346 Medicaid Qualifying Trusts
- 120.347 Treatment of Trusts
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.363 Earned Income Disregard – MANG(C)
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In-Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Provisions for the Prevention of Spousal Impoverishment
- 120.380 Assets
- 120.381 Exempt Assets

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 ~~Spenddown~~~~Spend-down~~ of Assets (AABD MANG)
120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386 Property Transfers Occurring On or Before August 10, 1993
120.387 Property Transfers Occurring On or After August 11, 1993
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG (Repealed)
120.399 Redetermination of Eligibility
120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
120.510 Health Benefits for Workers with Disabilities
120.520 SeniorCare (Repealed)
120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540 Illinois Healthy Women Program
120.550 Asylum Applicants and Torture Victims

120.TABLE A Value of a Life Estate and Remainder Interest
120.TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; amended at 32 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children

The following subsections apply to all cases other than those receiving care in licensed intermediate care facilities, licensed skilled nursing facilities, Department of Human Services (DHS) facilities, or DHS approved community based residential settings under 89 Ill. Adm. Code 140.643, or pregnant women and children under age 19 who do not qualify as mandatory categorically needy.

- a) The eligibility period shall begin with:
 - 1) the first day of the month of application;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) the first day of any month, prior to the month of application, in which the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires; or
 - 3) the first day of a month, after the month of application, in which the client meets non-financial eligibility requirements.
- b) Eligibility Without Spenddown for MANG
- 1) For AABD MANG, if the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30) and nonexempt assets are not in excess of the applicable asset disregard (Section 120.382), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.
 - 2) For TANF MANG, if the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.
 - 3) The client is responsible for reporting any changes that occur during the eligibility period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance. If changes in income, assets or family composition occur ~~that~~**which** would make the client a spenddown case, a spenddown obligation will be determined and subsection (c) of this Section will apply.
 - 4) A redetermination of eligibility will be made at least every 12 months.
- c) Eligibility with Spenddown for MANG
- 1) For AABD MANG, if the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard and/or nonexempt assets are over the applicable asset disregard, the client

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

must meet the spenddown obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spenddown obligation is the sum of the amount by which the client's nonexempt income exceeds the MANG standard and the amount of nonexempt assets in excess of the applicable asset disregard.

- 2) For TANF MANG, if the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard, the client must meet the spenddown obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spenddown obligation is the amount by which the client's nonexempt income exceeds the MANG standard.
- 3) The client meets the spenddown obligation by incurring or paying for medical expenses in an amount equal to the spenddown obligation.
AABD MANG clients also have the option of meeting their spenddown by paying the amount of their spenddown obligation to the Department.
 - A) Medical expenses shall be applied to the spenddown obligation in the following order:
 - i) Expenses for necessary medical or remedial services, as funded by DHS from sources other than federal funds. Such expenses shall be based on the service provider's usual and customary charges to the public. Such expenses shall not be based on any nominal amount the provider may assess the client. These charges are considered incurred the first day of the month, regardless of the day the services are actually provided.
 - ii) Payments made for medical expenses within the previous six months. Payments are considered incurred the first day of the month of payment.
 - iii) Unpaid medical expenses. These are considered as of the date of service and are applied in chronological order.
 - B) If multiple medical expenses are incurred on the same day, the expenses shall be applied in the following order:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- i) Health insurance deductibles (including Medicare and other co-insurance charges).
 - ii) All copayment charges incurred or paid on spenddown met day.
 - iii) Expenses for medical services and/or items not covered by the Department's Medical Assistance Program.
 - iv) Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DonA).
 - v) Expenses incurred for in-home care services by individuals receiving or purchasing services from private providers.
 - vi) Expenses incurred for medical services or items covered by the Department's Medical Assistance Program. If more than one covered service is received on the day, the charges will be considered in order of amount. The bill for the smallest amount will be considered first.
- C) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spenddown until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.
- D) AABD MANG spenddown clients may choose to pay the amount of their spenddown obligation to the Department to meet spenddown. The following rules will govern when clients choose to pay their spenddown:
- i) Payments to the Department will be applied to the spenddown obligation after all other medical expenses have been applied per subsections (c)(3)(A) and (B) of this Section.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

obligation is provided to the local office, eligibility for medical assistance shall begin effective the first day that the spenddown obligation is met. The Department will pay for covered services received from that date until the end of the eligibility period. The client shall be responsible, directly to the provider, for payment for services provided prior to the time the client meets the spenddown obligation.

- 5) Cases with a spenddown obligation thatwhich do not have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the client will be advised that if he or she wishes continued medical assistance, a reapplication must be filed. Upon reapplication, a new 12-month enrollment period will be established (assuming non-financial factors of eligibility are met). If appropriate, a new spenddown obligation will be created.
 - A) If the client files a reapplication prior to four months after the end of the period of enrollment, the client will be sent through a special abbreviated intake procedure making use of current case record material to verify factors of eligibility not subject to change.
 - B) Cases that remain eligible in the tenth month of the enrollment period or thatwhich have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will remain enrolled and will be redetermined once every 12 months.
- 6) The client is responsible for reporting any changes that occur during the enrollment period thatwhich might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance.
- 7) For AABD MANG, if changes in income, assets or family composition occur, appropriate adjustments to the spenddown obligation and date of eligibility for medical assistance shall be made by the Department. The

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

client will be notified, in writing, of the new spenddown obligation.

- A) If income decreases, or assets fall below the applicable asset disregard and, as a result, the client has already met the new spenddown obligation, eligibility for medical assistance shall be backdated~~back-dated~~ to the appropriate date.
 - B) If income or assets increase and, as a result, the client has not produced proof of incurred medical expenses equal to the new spenddown obligation, the written notification of the new spenddown amount will also inform the client that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spenddown obligation is produced.
- 8) For TANF MANG, if changes in income or family composition occur, appropriate adjustments to the spenddown obligation and date of eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spenddown obligation.
- A) If income decreases and, as a result, the client has already met the new spenddown obligation, eligibility for medical assistance shall be backdated~~back-dated~~ to the appropriate date.
 - B) If income increases and, as a result, the client has not produced proof of incurred medical expenses equal to the new spenddown obligation, the written notification of the new spenddown amount will also inform the client that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spenddown obligation is produced.
- 9) Reconciliation of Amounts Paid-in to Meet Spenddown
- A) The Department will reconcile payments received to meet an income spenddown obligation for a given month against the amount of claims paid for services received in that month and refund any excess spenddown paid to the client. Excess amounts paid for a calendar month will be determined and refunded to the client six calendar quarters later. Refund payments will be made once per quarter.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) The Department will reconcile payments received to meet an asset spenddown obligation against the amount of all claims paid during the individual's period of enrollment for medical assistance. Excess amounts paid will be determined and refunded to the individual six calendar quarters after the individual's enrollment for medical assistance ends.
- C) When payments are received to meet both an asset and an income spenddown obligation, the Department will first reconcile the amount of claims paid to amounts paid toward the asset spenddown. If the total amount of claims paid have not met or exceeded the amount paid to meet the asset spenddown by the time the individual's enrollment ends, the excess asset payments shall be handled per subsection (c)(3)(B) of this Section. Once the amount of claims paid equals or exceeds the amount paid toward the asset spenddown, the remaining amount of claims paid will be compared against the amount paid to meet the income spenddown per subsection (c)(3)(A) of this Section.
- 10) The Department will refund payment amounts received for any months in which the client is no longer in spenddown status and the payment cannot be used to meet a spenddown obligation. These payment amounts shall not be subject to reconciliation under subsection (c)(9) of this Section. Refunds shall be processed within six months after the case status changed.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.384 Spenddown~~Spend-down~~ of Assets (AABD MANG)

- a) Determination of Assets
- 1) For individuals residing in the community, the Department determines the amount of non-exempt assets using the verified amount on the date of decision on the application for medical assistance. The date of verification may be prior to the date of decision. Money considered as income for a

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

month is not considered as an asset for that same month. If income for a month is added to a bank account that month, the Department will subtract the amount of income from the bank balance to determine the asset level. Any income remaining the following ~~months~~ month(s) is considered as an asset.

- 2) The amount of non-exempt assets verified during the application process is used on the date of decision. If medical eligibility includes ~~a~~ backdated ~~months~~ month(s), for the backdated ~~months~~ month(s), the Department will consider the amount of assets available to apply to the cost of medical care. The Department will not determine the value of assets for ~~a~~ backdated ~~months~~ month(s) of eligibility. However, the amount of the excess assets verified during the application process is used to determine ~~spenddown~~ spend-down status in each backdated month of eligibility.
- 3) Once the excess asset has been used to meet ~~spenddown~~ spend-down, whether or not the excess amount has actually been reduced, it is no longer considered. However, at reapplication/redetermination, the Department will consider any excess non-exempt assets remaining as currently available.

b) Community Cases (AABD MANG)

For AABD MANG, to determine the ~~spenddown~~ spend-down obligation for clients in the community, the Department will compare monthly countable income to the appropriate MANG standard and add any non-exempt assets in excess of the appropriate asset disregard to non-exempt monthly income in excess of the appropriate MANG Standard.

- 1) **Regular AABD MANG – Community Residents**
When an individual residing in the community, has countable monthly income of not more than 99 cents over the appropriate MANG Standard and has non-exempt excess assets of not more than 99 cents over the appropriate asset disregard, the case is referred to as a Regular MANG case. Payment for covered services is made for each month eligibility exists.
- 2) ~~Spenddown~~ Spend-down AABD MANG
 - A) When an individual resides in the community and has countable

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

monthly income of at least \$1.00 over the MANG Standard and/or non-exempt assets of at least \$1.00 in excess of the asset disregard for the appropriate size household, the case is referred to as a community ~~spenddown~~ ~~spend-down~~ case. The ~~spenddown~~ ~~spend-down~~ amount is the sum of the amount of income in excess of the MANG Standard plus non-exempt assets in excess of the appropriate asset disregard. The Department will disregard any excess income and/or asset amounts that are not at least \$1.00 over the appropriate standard or disregard.

- B) If the individual presents verification that the excess amount is no longer available, the Department will make the appropriate changes the month following the month the assets were transferred.
- C) Individuals enrolled in ~~spenddown~~ ~~spend-down~~ are not eligible for payment of covered medical services until ~~spenddown~~ ~~spend-down~~ is met. ~~Spenddown~~ ~~Spend-down~~ is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt excess assets. Individuals may also pay-in the amount of the income or asset spenddown to the Department by enrolling in the Pay-in Spenddown Program (see Section 120.60). Excess assets do not have to be reduced prior to the authorization of medical assistance.
- c) Group Care Cases
To determine the ~~spenddown~~ ~~spend-down~~ obligation for AABD MANG clients in group care, the Department will compare monthly countable income and non-exempt assets in excess of the appropriate asset disregard to the cost of long term care at the private pay rate or the Department rate, whichever is greater. When an individual has non-exempt excess assets, the excess amount is applied to the monthly long term care charges after the monthly countable income has been applied.
- 1) Regular Group Care
When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of not more than 99 cents over the private pay rate or the Department rate, whichever is greater, the case is referred to as a Regular Group Care case. If monthly

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

countable income plus excess non-exempt assets are less than the long term care charges at the Department rate, the Department will pay the difference.

- 2) Group Care ~~Spenddown~~~~Spend-down~~
 - A) When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of at least \$1.00 over the cost of long term care at the private pay rate or the Department rate, whichever is greater, the case is referred to as a Group Care ~~Spenddown~~~~Spend-down~~ case. The ~~spenddown~~~~spend-down~~ amount is the sum of the monthly countable income plus non-exempt assets over the applicable asset disregard.
 - B) The transfer of asset policy set forth in Section 120.385 still applies. Once the client has been determined to have a resource ~~spenddown~~~~spend-down~~ because of excess non-exempt assets, the ~~spenddown~~~~spend-down~~ cannot be eliminated by a non-allowable transfer made to qualify for or increase the need for medical assistance.
 - C) If the individual presents verification that the excess amount is no longer available and the transfer of assets is allowable according to Section 120.385, the Department will make the appropriate changes the month following the month the assets were transferred. If ~~spenddown~~~~spend-down~~ has been met, the policy set forth in Section 120.385 regarding transfer of assets does not apply. The client may dispose of the asset as he/she wishes as it has been applied to a met ~~spenddown~~~~spend-down~~.
 - D) Individuals enrolled in ~~spenddown~~~~spend-down~~ are not eligible for payment of covered medical services until ~~spenddown~~~~spend-down~~ is met. ~~Spenddown~~~~Spend-down~~ is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt assets. Excess assets do not have to be reduced prior to the authorization of medical assistance.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: 160.70 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendment is necessary for the Department to be in compliance with statutory changes to Public Act 95-0685. Public Act 95-0685, specifically the administrative driver's license suspension portion, being implemented January 2008 allows the Department's certification of past due support to the Illinois Secretary of State to administratively suspend driver's licenses. In excess of 32,000 Illinois cases may be eligible for the driver's license suspension process with the potential of \$10 million in annual collections. It also authorizes the Department to work with municipalities by means of ordinances to immobilize and impound vehicles for non-payment of child support. Further deletes the definition, "qualified" as it relates to a child. As stated in the federal *Deficit Reduction Act of 2005*, States may submit for offset any past-due support owed to any child, whether or not the child is a minor.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/557-7157

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 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 2007

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

160.1	Incorporation by Reference
160.5	Definitions
160.10	Child Support Enforcement Program
160.12	Administrative Accountability Process
160.15	Fees for IV-D Non-TANF Cases
160.20	Assignment of Rights to Support
160.25	Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

160.30	Cooperation With Support Enforcement Program
160.35	Good Cause for Failure to Cooperate with Support Enforcement
160.40	Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45	Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

160.60	Establishment of Support Obligations
160.61	Uncontested and Contested Administrative Paternity and Support Establishment
160.62	Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program (Repealed)
160.64	Compromise of Assigned Obligations
160.65	Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Section	
160.70	Enforcement of Support Orders
160.71	Credit for Payments Made Directly to the Title IV-D Client
160.75	Withholding of Income to Secure Payment of Support
160.77	Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
160.80	Amnesty – 20% Charge (Repealed)
160.85	Diligent Efforts to Serve Process
160.88	State Case Registry
160.89	Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section	
160.90	Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section	
160.95	State Disbursement Unit
160.100	Distribution of Child Support for TANF Recipients
160.110	Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120	Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130	Distribution of Intercepted Federal Income Tax Refunds
160.132	Distribution of Child Support for Non-TANF Clients
160.134	Distribution of Child Support For Interstate Cases
160.136	Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138	Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section	
160.140	Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

- a) Definitions
 - 1) The definitions contained in Section 160.60(a) are incorporated herein by reference.
 - 2) "Qualified child" means a child who is a minor or who, while a minor, was determined to be disabled under Title II or XVI of the Social Security Act, and for whom a support order is in effect.
- b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].
- c) Federal and State Income Tax Refunds and Other Payments

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a], Section 2505-650 of the Department of Revenue Law [20 ILCS 2505/2505-650] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due such relatives.
- 2) The Department shall submit past-due support amounts to:
 - A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:
 - i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of \$150 for TANF, AFDC and Foster Care cases; however, amounts under this subsection (c)(2)(A)(i) may not be combined with amounts under subsection (c)(2)(A)(ii) to reach the minimum amounts required for submittal; and
 - ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a qualified child, or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than \$500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of \$500; however, amounts under this subsection (c)(2)(A)(ii) may not be combined with amounts under subsection (c)(2)(A)(i) to reach the minimum amounts required for submittal.
 - B) the Illinois Department of Revenue to intercept State income tax

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

refunds and the Comptroller to intercept other State payments as follows:

- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less;
 - ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
 - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.
- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount that will be submitted for intercept;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and
 - D) that the Internal Revenue Service or Financial Management

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:
 - A) a hearing by the Department within 30 days from the date of mailing of the notice; or
 - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
 - A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
 - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- other federal payment offset, in accordance with federal instructions;
- C) the Illinois Department of Revenue of any deletion of an amount submitted for State income tax refund and the Comptroller for other payment intercept or any significant decrease in the amount; and
- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
- B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection (c) only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) of this Section and shall promptly apply:
- A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and
- B) other federal and State payments in accord with distribution

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

provisions in Subpart F of this Part.

- 11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:
 - A) amounts intercepted under this subsection (c) will be applied in accordance with Section 160.130;
 - B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
 - 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one-month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent of the Unemployment Insurance Benefit.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
 - F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one-month support obligation, except as set forth in subsection (e)(2) of this Section.
 - 2) Contempt proceedings shall not be used in the following instances:
 - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
- A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
 - E) obtain full or partial payment of past due support through incarceration;
 - F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) void a transfer of property fraudulently made to avoid payment of

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;

- H) secure other enforcement relief; and
 - I) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
- 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- f) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support
- 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) the past-due amount is at least \$3,500; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).
- 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$3,500 in excess of any statutory exemption.
- g) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support
- 1) Liens against real estate
 - A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
 - i) the amount of past-due support is at least \$3,500; and
 - ii) the responsible relative has an interest in real estate against which a lien may be claimed.
 - B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- i) the name and address of the responsible relative;
 - ii) a legal description of the real estate to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and
 - v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.
- C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).
- D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than \$3,500 in excess of any statutory exemption.
- 2) Liens against personal property
- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

the Illinois Public Aid Code when the following circumstances exist:

- i) the amount of past-due support is at least \$1,000;
 - ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
 - iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.
- B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative is located, the sheriff of the county in which goods or chattels of the responsible relative are located, or any person or entity indebted to or holding personal property of the responsible relative or which may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain the following:
- i) the name and address of the responsible relative;
 - ii) a description of the account or personal property to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;
 - v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

after the date of mailing of the Notice of Lien or Levy; and

- vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.

C) In addition to the information to be included in the Notice of Lien or Levy under subsection (g)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:

- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];
- ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days after being served with a Notice to Surrender Assets by the Department;
- iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and
- iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Department within 30 days after receipt of the Notice of Lien or Levy.

- D) The form for the response to Notice of Lien or Levy provided for under subsection (g)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:
- i) the amount of assets in the responsible relative's account;
 - ii) the amount of the fee to be deducted from the account;
 - iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
 - iv) the name and address of any joint owners of the account; and
 - v) the amount of assets surrendered and remitted to the Department.
- E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (g).
- F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.
- H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.

- I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
 - J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (g).
- h) Security, Bond or Other Guarantee of Payment
- 1) Except as provided in subsections (h)(2) and (3) of this Section, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].
 - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
 - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

- i) Past-Due Support Information to Consumer Reporting Agencies
 - 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (c)(2)(A) of this Section:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support that has accumulated under the order for support.
 - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount that will be reported;
 - C) the date past-due support will be reported; and
 - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
 - 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days from the date of mailing of the notice.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:
 - A) a request for:
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
- 6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- j) High-Volume Automated Administrative Enforcement in Interstate Cases
 - 1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.
 - 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize such assets through levy or other appropriate processes.
 - 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) Include such information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.
 - B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.
- 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of such other state.
- 5) The Department shall maintain records of:
- A) The number of such requests for assistance received by the Department.
 - B) The number of cases for which the Department collected support in response to such a request and the actual amount of such support collected.
- k) Past-Due Support Certified to the Illinois Department of Revenue, to municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State
- 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Illinois Public Aid Code [305 ILCS 5/10-17.9]), to municipalities with ordinances to immobilize and impound vehicles for non-payment of child support (see Section 10-17.3 of the Illinois Public Aid Code [305 ILCS 5/10-17.3]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.
 - 2) The Department may certify~~submit~~ past-due support amounts to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) past-due support is owed for a child or for a child and the parent with whom the child is living;
 - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;
 - C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
 - D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount that will be submitted for collection;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
 - D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.
- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
- A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due amount;
 - C) the amount of current child support obligations; and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, municipalities or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:
- A) name;
- B) Social Security Number;
- C) IV-D identification number; and
- D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state.
- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
- 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.
- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
- 10) The Department shall notify the Clerk of the Court of the county in which

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

the child support order was entered of any amount collected for posting to the court payment record.

- 11) The Department shall:
 - A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or
 - B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.
- l) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
 - 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds \$2,500:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support that has accumulated under the order for support.
 - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount that will be certified;
 - C) the date past-due support will be certified; and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
 - A) a request for:
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
- 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- m) List of Responsible Relatives
 - 1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code [305 ILCS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

5/12-12.1] shall be developed as required by this subsection (m).

- 2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing \$5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:
 - A) the name of the responsible relative;
 - B) the responsible relative's last known address; and
 - C) the amount of past-due support as of a given date, expressed within a range (for example, \$50,000-\$100,000), that has accumulated under the support order.
- 3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.
- 4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount as of a given date;
 - C) the earliest date by which past due support information will be published;
 - D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing no later than 10 days before the date of publication stated in the advance notice; and
 - E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

full, or by establishing and complying with a satisfactory payment plan as determined by the Department.

- 5) Factors for a satisfactory payment plan will include, but are not limited to:
 - A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due support;
 - C) the amount of the current support obligation(s); and
 - D) the responsible relative's ability to pay.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.
- 7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:
 - A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or
 - B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection.

n) Certification of Past-Due Support to the Illinois Secretary of State for Driver's License Suspension

- 1) The Department shall issue a Notice of Intent to Request Suspension of an Illinois Driver's License to a responsible relative in accordance with Section 10-17.6 of the Illinois Public Aid Code [305 ILCS 5/10-17.6] and Section 7-702 of the Illinois Vehicle Code [625 ILCS 5/7-702], when the following circumstances exist:
 - A) the amount of past-due support is at least \$2500;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- B) the responsible relative has not made a voluntary payment in the last 90 days.
- 2) The Notice of Intent to Request Suspension of an Illinois Driver's License shall contain the following:
- A) the name and address of responsible relative;
- B) the responsible relative's Recipient Identification Number;
- C) the responsible relative's Driver's License Number;
- D) the amount of past-due support, including interest;
- E) the fact that the responsible relative's name will be referred to the Secretary of State for suspension of the driver's license if the responsible relative fails to contact the Department within 15 days after the mailing date of Notice;
- F) the right of the responsible relative to prevent certification for the license suspension by payment of the past-due support amount in full or to contest the amount of past-due support that is owed by requesting a hearing within 15 days after the date of mailing by the Department.
- 3) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Suspension of an Illinois Driver's License shall stay the Department from certifying past-due support to the Secretary of State.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- OH) Debit Authorization for Obligor Who Are Not Subject to Income Withholding
- 1) The Department shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes the State Disbursement Unit to debit the obligor's financial institution account

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

periodically in an amount equal to the amount of the child support obligation.

- 2) The Department shall, upon adoption, inform each financial institution conducting business in this State that the child support enforcement debit authorization form has been adopted and is ready for use.
- 3) The child support enforcement debit authorization form shall include instructions concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amount to the State Disbursement Unit.
- 4) When an obligor does not have a payor, as defined in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], he or she must sign a child support enforcement debit authorization form. The obligor must sign a separate child support enforcement debit authorization form for each financial institution holding an account on his or her behalf in which a child support payment is to be debited and transferred to the State Disbursement Unit.
- 5) The signing and issuance of a child support enforcement debit authorization form does not relieve the obligor from responsibility for compliance with any requirement under the order for support.
- 6) It is the responsibility of the obligor to notify the State Disbursement Unit in accordance with the instructions provided on the child support enforcement debit authorization form.

p) Other Remedies

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Conservation Stewardship Program
- 2) Code Citation: 17 Ill. Adm. Code 2580
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2580.10	New Section
2580.20	New Section
2580.30	New Section
2580.40	New Section
2580.50	New Section
2580.60	New Section
2580.70	New Section
2580.80	New Section
2580.90	New Section
2580.100	New Section
2580.110	New Section
2580.120	New Section
2580.130	New Section
2580.140	New Section
2580.150	New Section
2580.160	New Section
2580.170	New Section
2580.180	New Section
- 4) Statutory Authority: Implementing and authorized by the Conservation Stewardship Law [35 ILCS 200/10-400]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being proposed to implement the Conservation Stewardship Law (Senate Bill 17), signed on October 1, 2007. This law encourages landowners to preserve or create wooded acreage, wetlands and prairies by giving them a property tax break for their participation in the Conservation Stewardship Program. This Part establishes the rules and regulations for qualification, application and participation in this program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

<u>Section Numbers:</u>	<u>Emergency Action:</u>	<u>Illinois Register Citation:</u>
2580.10	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.20	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.30	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.40	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.50	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.60	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.70	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.80	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.90	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.100	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.110	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.120	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.130	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.140	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.150	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.160	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.170	New Section	31 Ill. Reg. 16751; December 21, 2007
2580.180	New Section	31 Ill. Reg. 16751; December 21, 2007

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: Taxpayers accepted into this program will pay lower property taxes.
- 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:

Jack Price, Legal Counsel
 Department of Natural Resources
 One Natural Resources Way
 Springfield IL 62702-1271

217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

13) Initial Regulatory Flexibility Analysis

- A) Types of small businesses, small municipalities and not for profit corporations affected: All persons, including small businesses and not for profit corporations, who pay property taxes on unimproved land in Illinois are eligible to prepare a conservation management plan as their application for the special valuation provided in 35 ILCS 200/10-420(a). Small municipalities, which pay no property taxes, are not eligible.
- B) Reporting, bookkeeping or other procedures required for compliance: Preparation of a conservation management plan and submission of that plan to the Department of Natural Resources are required of the taxpayer as application for the special valuation provided in 35 ILCS 200/10-420(a).
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2007

The full text of the Proposed Rules is identical to the text of the Emergency Rules and can be found in this issue of the *Illinois Register* on page 16751:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants
- 2) Code Citation: 35 Ill. Adm. Code 1010
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1010.100	New Section
1010.102	New Section
1010.104	New Section
1010.106	New Section
1010.108	New Section
1010.200	New Section
1010.202	New Section
1010.204	New Section
- 4) Statutory Authority: 415 ILCS 5/13.6
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking see the Board's December 6, 2007 opinion and order in Procedures Required by P. A. 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code 1010 (R07-20). This rulemaking is based on a proposal filed with the Board by the Illinois Environmental Protection Agency (Agency) on May 25, 2007. The Agency's proposal is driven by amendments to the Environmental Protection Act (Act) in Public Act 94-849 that, in adding Section 13.6 to the Act (415 ILCS 5/13.6 (2006)), required the Agency to propose rules to the Board to establish standards for detecting and reporting unpermitted releases of radionuclides from nuclear power plants.

The proposed new Part 1010 procedures will allow licensees of power plants to fulfill their obligation under Section 13.6 of the Act to report unpermitted releases of radionuclides to the Agency and the Illinois Emergency Management Agency (IEMA). These procedures establish a requirement that within 24 hours after any unpermitted release of radionuclides into the groundwater, surface water, or soil, the licensee must evaluate the release to determine whether it needs to be reported and, if reporting is necessary, make a report to the Agency and IEMA within that same 24 hours. The proposed rule gives the proper procedure for reporting the releases, including the appropriate reporting phone numbers for the Agency and IEMA as well as instructions on electronic reporting. The proposal further requires a follow-up written report sent to the Agency and the IEMA within five days after reporting the release. This follow-up report

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

must contain the information required for the initial report as well as supplemental information on the release utilizing the best data available.

Under the proposed rules, a radionuclide is deemed to have been detected if an unpermitted release of liquids either: 1) results in tritium concentrations of 200 picocuries per liter (pCi/L) or more outside the licensee controlled area, or 2) contains tritium at quantities of 0.002 Curies (Ci) or more.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2004)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R07-20 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

For more information contact Marie Tipsord at 312/814-4925 or email at tipsordm@ipcb.state.il.us.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: While the reporting requirements apply only to nuclear power plants that may have had an unpermitted releases of radionuclides from their facility, small businesses, small municipalities and not-for-profit organizations would benefit from the information that is required by this proposed rule.
 - B) Reporting, bookkeeping or other procedures required for compliance: This proposed rule includes numerous reporting requirements as mandated by P.A. 94-849.
 - C) Types of Professional skills necessary for compliance: Compliance with this rule may require the skills of an attorney, chemist, and/or engineer.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE I: ATOMIC RADIATION
CHAPTER I: POLLUTION CONTROL BOARDPART 1010
PROCEDURES FOR REPORTING RELEASES OF
RADIONUCLIDES AT NUCLEAR POWER PLANTS

SUBPART A: GENERAL PROVISIONS

Section	
1010.100	Purpose
1010.102	Applicability
1010.104	Scope
1010.106	Definitions
1010.108	Severability

SUBPART B: REPORTING

1010.200	Evaluation of Releases
1010.202	Reporting of Releases
1010.204	Follow-up Written Report

AUTHORITY: Implementing and authorized by Sections 13.6 and 27 of the Environmental Protection Act [415 ILCS 5/13.6 and 27].

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1010.100 Purpose

This Part prescribes standards for detecting and reporting unpermitted releases of radionuclides from nuclear power plants pursuant to Section 13.6 of the Illinois Environmental Protection Act [415 ILCS 5/13.6].

Section 1010.102 Applicability

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

This Part applies to licensees of nuclear power plants that are required under Section 13.6 of the Act to report an unpermitted release of a radionuclide.

Section 1010.104 Scope

This Part sets forth the procedures licensees of nuclear power plants must follow to satisfy their obligation under Section 13.6 of the Act to report unpermitted releases of radionuclides to the Agency and to IEMA. This Part addresses only the reporting of unpermitted releases of radionuclides required under Section 13.6 of the Act. The requirements of this Part are independent of, and do not replace or supersede, any other reporting requirements in State or federal law or regulation. This Part does not prevent or preclude licensees from reporting releases of radionuclides that are not required to be reported under Section 13.6 of the Act.

Section 1010.106 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Illinois Environmental Protection Act.

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Curie" or "Ci" means the quantity of radioactive material producing 37 billion nuclear transformations per second.

"Groundwater" means underground water that occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. [415 ILCS 5/3.64]

"IEMA" means the Illinois Emergency Management Agency.

"L" means liter.

"Licensee" means the holder of a license issued for a nuclear power plant under chapter I of title 10 of the Code of Federal Regulations.

"Licensee controlled area" means the land or property that is owned, leased, or otherwise controlled by the licensee.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

"Picocurie" or "pCi" means the quantity of radioactive material producing 2.22 nuclear transformations per minute. One pCi is one trillionth (10^{-12}) of one curie.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent, or assigns. [415 ILCS 5/3.315]

"Station generated liquids" means liquids used in, or as a part of, the power generation process at a nuclear power plant and that contain, or potentially could contain, radionuclides.

"Surface water" means all water that is open to the atmosphere and subject to surface runoff.

"Unpermitted release of a radionuclide" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a radionuclide into groundwater, surface water, or soil that is not permitted under State or federal law or regulation. [415 ILCS 5/13.6(c)]. "Unpermitted release of a radionuclide" does not include the discharge of a radionuclide from a point source at a designated process water or cooling water outfall identified in the nuclear power plant's National Pollutant Discharge Elimination System permit, provided the discharge is authorized in the nuclear power plant's United States Nuclear Regulatory Commission operating license.

Section 1010.108 Severability

If any provision in this Part or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or of any portion not adjudged invalid.

SUBPART B: REPORTING

Section 1010.200 Evaluation of Releases

Within 24 hours after an unpermitted release of a radionuclide from a nuclear power plant into groundwater, surface water, or soil, the licensee must evaluate the release in accordance with this Section to determine whether it must be reported. The evaluation cannot take into account

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

remedial actions taken in response to the release (i.e., the evaluation must be based on the volumes of station generated liquids and concentrations or quantities of radionuclides released, not on the volumes of station generated liquids and concentrations or quantities of radionuclides remaining after the initiation or completion of response actions). If the release is required to be reported, the licensee must report the release in accordance with Section 1010.202 of this Part.

- a) Licensees must report unpermitted releases of station generated liquids that result in tritium concentrations of 200 pCi/L or more outside of the licensee controlled area.
- b) Licensees must report unpermitted releases of station generated liquids that contain tritium at quantities of 0.002 Curies or more.

Section 1010.202 Reporting of Releases

- a) Reports required under Section 1010.200 must be given within 24 hours after the release to both the Agency and IEMA in accordance with the following:
 - 1) Reports to the Agency must be given by telephone and electronically. The Agency's telephone number for reporting environmental emergencies is 1-217-782-3637.
 - 2) Reports to IEMA must be given by telephone and electronically. IEMA's telephone number for reporting emergencies is 1-800-782-7860, or, if calling from outside Illinois, 1-217-782-7860.
 - 3) Electronic reports must be submitted on forms and in a format prescribed by the Agency and IEMA. The Agency shall consult with IEMA in developing the forms and format for electronic reports required under this Section.
- b) Reports required under Section 1010.200 must include, at a minimum, the following information, using the best data available at the time of the report:
 - 1) The name and address of the nuclear power plant where the release occurred;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 2) The name, signature, and telephone number of the Principal Executive Officer for the nuclear power plant or the Principal Executive Officer's authorized agent;
 - 3) The specific location of the release;
 - 4) The time and duration of the release;
 - 5) An estimate of the volume and radionuclide concentrations (in pCi/L) of station generated liquids released, and an estimate of the flow rate if the release is ongoing;
 - 6) Identification of the radionuclides released and an estimate of the quantities released (in Curies);
 - 7) Whether the release was to groundwater, surface water, or soil, and a description of the area into which the release occurred (e.g., field, ditch, stream, or other description) and the size of the area affected;
 - 8) The actions taken to respond to, contain, and mitigate the release;
 - 9) The known and anticipated impacts to human health and the environment, including but not limited to groundwater and surface water resources, as a result of the release;
 - 10) The names, addresses, and telephone numbers of persons at the nuclear power plant who may be contacted for further information regarding the release; and
 - 11) The name and mailing address of the licensee of the nuclear power plant.
- c) The Agency must post copies of the electronic reports it receives under this Section on the Agency's website.

Section 1010.204 Follow-up Written Report

An owner or operator who reports a release under this Part must provide to the Agency and to IEMA a follow-up written report of the release within five business days after reporting the release.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- a) The follow-up report must confirm and update the information provided by the licensee under Section 1010.202 utilizing the best data available and must also include the following information:
- 1) Copies of all lab analyses used to confirm the presence of, or conducted in response to, the release if lab analyses have been conducted;
 - 2) Plan view and, if available, geological cross-section maps showing, at a minimum, the location of the release, the locations of samples taken to confirm the release if samples have been taken, the locations of samples taken in response to the release if samples have been taken, the measured and modeled extents of the release if known, the groundwater flow direction if known, groundwater contours if known, the boundary of the licensee controlled area, and structures, roads, and other surface features;
 - 3) An estimate of the volume and radionuclide concentrations (in pCi/L) of station generated liquids released but not recovered;
 - 4) An estimate of the quantities (in Curies) of radionuclides released but not recovered;
 - 5) An updated description of activities taken in response to the release;
 - 6) If additional activities in response to the release are planned, a description of those activities; and
 - 7) The name and signature of the Principal Executive Officer for the nuclear power plant or the Principal Executive Officer's authorized agent.
- b) Submission of Follow-up Reports
- 1) The follow-up report must be submitted electronically on forms and in a format prescribed by the Agency and must be submitted to addresses prescribed by the Agency and IEMA. Within five business days after submission of the electronic follow-up report, hard copies of the follow-up report must be submitted to the Agency and IEMA at the following addresses:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Illinois Environmental Protection Agency
Bureau of Water
Groundwater Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

Illinois Emergency Management Agency
Division of Nuclear Safety
Bureau of Environmental Safety
1035 Outer Park Drive
Springfield IL 62704

- 2) The Agency shall consult with IEMA in developing the forms and format for reports required under this Section.
- c) The Agency must post copies of the follow-up reports it receives under this Section on the Agency's website.

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: 100.2405 Proposed Action: New Section
- 4) Statutory Authority: 35 ILCS 5/203 and 5/1401
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides guidance on the proper computation of "adjusted gross income" or "taxable income" used by taxpayers as the starting point for computing their net income subject to Illinois income tax, and the principles included in IITA Section 203 for making addition and subtraction modifications to adjusted gross income or taxable income in computing net income subject to Illinois income tax.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.2110	Amendment	31 Ill. Reg. 13086; September 14, 2007
100.2160	Amendment	31 Ill. Reg. 13331; September 21, 2007
100.5070	New Section	31 Ill. Reg. 13697; October 5, 2007
100.5080	New Section	31 Ill. Reg. 13697; October 5, 2007
100.2197	Amendment	31 Ill. Reg. 14217; October 12, 2007
100.2406	New Section	31 Ill. Reg. 15240; November 16, 2007
100.2450	New Section	31 Ill. Reg. 15744; November 26, 2007
100.3420	New Section	31 Ill. Reg. 16428; December 14, 2007

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place and Manner in which interested persons may comment on this rulemaking:
Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses will receive guidance on the computation of their net income subject to Illinois income tax. Municipalities and not-for-profit corporations are not 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: July 2007

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 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 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 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)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
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 212)

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

<u>100.2405</u>	<u>Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Sections 203(e), (g), and (h))</u>
100.2410	Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2430	Addition and Subtraction Modifications for Transactions with 80-20 Companies
100.2470	Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480	Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
100.2490	Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

100.2580	Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
100.2590	Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

100.2680	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)
----------	---

SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section

100.3000	Terms Used in Article 3 (IITA Section 301)
----------	--

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3015 Business Income Election (IITA Section 1501)
- 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) - In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART M: ACCOUNTING

Section

100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses
100.5050 Frivolous Returns
100.5060 Reportable Transactions

SUBPART O: COMPOSITE RETURNS

Section

100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section

100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns
100.5220 Designated Agent for the Members

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

100.7200	Reports for Employee (IITA Section 703)
----------	---

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
----------	--

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)
100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340	Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

100.9000	General Income Tax Procedures (IITA Section 901)
100.9010	Collection Authority (IITA Section 901)
100.9020	Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section

100.9100	Notice and Demand (IITA Section 902)
----------	--------------------------------------

SUBPART W: ASSESSMENT

Section

100.9200	Assessment (IITA Section 903)
100.9210	Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300	Deficiencies and Overpayments (IITA Section 904)
100.9310	Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320	Limitations on Notices of Deficiency (IITA Section 905)
100.9330	Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section

100.9400	Credits and Refunds (IITA Section 909)
100.9410	Limitations on Claims for Refund (IITA Section 911)
100.9420	Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

100.9500	Access to Books and Records (IITA Section 913)
100.9505	Access to Books and Records - 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings (IITA Section 914)
100.9530	Books and Records

SUBPART AA: JUDICIAL REVIEW

Section

100.9600	Administrative Review Law (IITA Section 1201)
----------	---

SUBPART BB: DEFINITIONS

Section

100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800	Letter Ruling Procedures
----------	--------------------------

SUBPART DD: MISCELLANEOUS

Section

100.9900	Tax Shelter Voluntary Compliance Program
----------	--

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

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].

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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 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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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 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. _____, effective _____.

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Sections 203(e), (g), and (h))

- a) General definitions. For the purposes of IITA Sections 203 and 803(e), and subject to the exceptions discussed in this Section, a taxpayer's gross income, adjusted gross income or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. (IITA Section 203(e)(1))
- b) Taxable income less than zero. Taxable income may be less than zero. (IITA Section 203(e)(1)) Accordingly, when the computation of a taxpayer's base

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

income begins with its taxable income and its taxable income is negative, it may offset that negative amount against any addition modifications required to be made under IITA Section 203, consistent with the provisions of this subsection (b).

1) Taxable years ending on or after December 31, 1986.

A) For taxable years ending on or after December 31, 1986, net operating loss carry-forwards from taxable years ending prior to December 31, 1986 may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications for the taxable year. (IITA Section 203(e)(1))

B) Example 1. In its taxable year ending December 31, 1986, Corporation A properly reports a federal net operating loss (FNOL) of \$100,000, all of which is available to carry forward to its taxable years ending on or after December 31, 1987 for federal income tax purposes. Corporation A has addition modifications for its taxable year ending December 31, 1986 that exceed its subtraction modifications for that year by \$5,000. For Illinois income tax purposes, the federal net operating loss available to carry forward is \$95,000 (the \$100,000 federal net operating loss minus the \$5,000 in excess addition modifications). In its taxable year ending December 31, 1987, Corporation A deducts \$97,000 of the federal net operating loss. The remainder is deducted in its taxable year ending December 31, 1988. For purposes of IITA Section 203, Corporation A's taxable income for the taxable year ending December 31, 1987 is computed without allowing \$2,000 of the federal net operating loss deduction taken in that year and its taxable income for December 31, 1988, is computed without allowing any of the \$3,000 federal net operating deduction. In order to avoid a double benefit, Corporation A must add back the ineligible \$2,000 and \$3,000 of FNOL for Illinois purposes on its Illinois return for 1987 and 1988, respectively.

2) Taxable years ending before December 31, 1986.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- A) For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in Internal Revenue Code section 172(c) and (d), provided that when taxable income of a corporation (other than a Subchapter S Corporation), trust, or estate is less than zero and addition modifications, other than those provided by IITA 203(b)(2)(E) or (c)(2)(E) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which taxable income less than zero (net operating loss) is applied under Internal Revenue Code section 172 or IITA Section 203(e)(2)(E) in conjunction with Internal Revenue Code section 172. (IITA Section 203(e)(1))
- B) For application of this provision, see 86 Ill. Adm. Code 100.2230 and 100.2410.
- 3) Pre and post-1986 net losses are discussed in detail at 86 Ill. Adm. Code 100.2200 through 100.2250 and individual net losses are specifically discussed at 86 Ill. Adm. Code 100.2410.
- c) Special rules regarding certain taxpayers. Many taxpaying entities do not calculate federal taxable income on a federal taxable return or use a special variation of federal taxable income. For these taxpayers, IITA Section 203(e)(2) defines federal taxable income. Thus, for purposes of IITA Section 203, the taxable income properly reportable by the following taxpayers for federal income tax purposes shall mean:
- 1) Certain life insurance companies – for life insurance companies taxable under Internal Revenue Code section 801, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Internal Revenue Code section 815a. (IITA Section 203(e)(2)(A));
- 2) Mutual insurance companies – for mutual insurance companies taxable under Internal Revenue Code section 831, insurance company taxable income. (IITA Section 203(e)(2)(B));

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 3) Regulated investment companies (RICs) – for RICs taxable under Internal Revenue Code section 852, investment company taxable income. (IITA Section 203(e)(2)(C));
- 4) Real estate investment trusts (REITs) – for REITs taxable under Internal Revenue Code section 857, REIT taxable income. (IITA Section 203(e)(2)(D));
- 5) Consolidated corporations – for a corporation that is a member of an affiliated group of corporations filing a federal consolidated income tax return for the taxable year, taxable income determined as if such corporation had filed a separate return federally for the taxable year and for each preceding taxable year for which it was a member of an affiliated group and also determined as if the election provided under Internal Revenue Code section 243(b)(2) had been in effect for all such years. (IITA Section 203(e)(2)(E)). However, for purposes of computing the combined taxable income and combined base income of a unitary business group for purposes of IITA Sections 304(e) and 502(e), 86 Ill. Adm. Code 100.5270 requires the unitary business group to use the federal consolidated return regulations;
- 6) Cooperatives – for cooperative corporations or associations, taxable income of such organization determined in accordance with Internal Revenue Code sections 1381 through 1388, inclusive. (IITA Section 203(e)(2)(F));
- 7) Subchapter S corporations – Subchapter S corporations are not generally subject to federal income tax but instead act as conduits through which items of gain, loss, income and deduction flow to their owners. Accordingly, a special rule for computing "taxable income" is necessary to enable them to compute their Illinois base income for purposes of determining their Illinois Personal Property Tax Replacement Income Tax liability under IITA Section 201(c) and (d).
 - A) Election in effect. For Subchapter S corporations for which there is in effect an election for the taxable year under Internal Revenue Code section 1362, "taxable income" means taxable income determined in accordance with Internal Revenue Code section 1363(b), except that taxable income shall also take into account

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

those items that are required to be separately stated under Internal Revenue Code section 1363(b)(1). (IITA Section 203(e)(2)(G)(i)).

- B) Items required to be separately stated under Internal Revenue Code section 1363(b)(1), as listed in 26 CFR 1.1366-1(a)(2), include:
- i) The corporation's combined net amount of gains and losses from sales or exchanges of capital assets;
 - ii) The corporation's combined net amount of gains and losses from sales or exchanges of property used in the trade or business and involuntary conversions;
 - iii) Charitable contributions paid by the corporation within the taxable year of the corporation;
 - iv) The taxes described in Internal Revenue Code section 901 that have been paid (or accrued) by the corporation to foreign countries or to possessions of the United States;
 - v) Each of the corporation's separate items involved in the determination of credits against tax allowable under part IV of subchapter A (Internal Revenue Code section 21 et seq.) of the Internal Revenue Code, except for any credit allowed under Internal Revenue Code section 34 (relating to certain uses of gasoline and special fuels);
 - vi) Each of the corporation's separate items of gains and losses from wagering transactions (Internal Revenue Code section 165(d)); soil and water conservation expenditures (Internal Revenue Code section 175); deduction under an election to expense certain depreciable business expenses (Internal Revenue Code section 179); medical, dental, etc., expenses (Internal Revenue Code section 213); the additional itemized deductions for individuals provided in part VII of subchapter B of the Internal Revenue Code (Internal Revenue Code section 212 et seq.); and any other itemized deductions for which the limitations on itemized deductions under Internal Revenue Code section 67 or 68 applies;

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- vii) Any of the corporation's items of portfolio income or loss, and related expenses, as defined in the regulations under Internal Revenue Code section 469;
 - viii) The corporation's tax-exempt income. For purposes of subchapter S, tax-exempt income is income that is permanently excludible from gross income in all circumstances in which the applicable provision of the Internal Revenue Code applies. For example, income that is excludible from gross income under Internal Revenue Code section 101 (certain death benefits) or Internal Revenue Code section 103 (interest on state and local bonds) is tax-exempt income, while income that is excludible from gross income under Internal Revenue Code section 108 (income from discharge of indebtedness) or Internal Revenue Code section 109 (improvements by lessee on lessor's property) is not tax-exempt income; and
 - ix) Any other item identified in guidance (including forms and instructions) issued by the Commissioner as an item required to be separately stated.
- C) Treatment of items required to be separately stated under Internal Revenue Code section 1363(b)(1). Many items are required to be separately stated because their deduction is limited by the taxable income or adjusted gross income of the taxpayer, and this limitation must be determined by each shareholder rather than by the Subchapter S corporation. IITA Section 203(e)(2)(G) permits the deduction of these items without imposing the limitations that could apply to the shareholder. For example, charitable deductions that must be separately stated deductible by a Subchapter S corporation without regard to the limitations under Internal Revenue Code section 170(b).
- D) Items not separately stated under Internal Revenue Code section 1363(b), and which cannot be taken into account in computing "taxable income" for purposes of IITA Section 203, include:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- i) Internal Revenue Code section 199(d)(1)(A) provides that the deduction under Internal Revenue Code section 199 for the domestic production activities income of a Subchapter S corporation is taken at the shareholder level, rather than by the corporation. Because these deductions are separately stated under this provision and not under Internal Revenue Code section 1363(b)(1), a Subchapter S corporation may not take these deductions in computing its taxable income for purposes of IITA Section 203.
- ii) Internal Revenue Code section 613A(c)(11) provides that percentage depletion deductions for oil and gas property of a Subchapter S corporation is computed separately for each shareholder. Because these deductions are separately stated under this provision and not under Internal Revenue Code section 1363(b)(1), a Subchapter S corporation may not take these deductions in computing its taxable income for purposes of IITA Section 203. However, in the case of any Subchapter S corporation that deducted percentage depletion on oil and gas properties on any return filed prior to the adoption of this regulation in reliance on the return instructions for the Form IL-1120-ST, any increase in Illinois income tax liability that would result from disallowing the percentage depletion deduction for oil and gas property for that year shall be abated under Section 4(c) of the Taxpayers' Bill of Rights Act. (See 20 ILCS 2520/4(c)).
- E) Election not in effect. For Subchapter S corporations for which there is in effect an election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, "taxable income" means the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982. (IITA Section 203(e)(2)(G)(ii)).
- 8) Partnerships – Partnerships are not generally subject to federal income tax, but instead act as conduits through which items of gain, loss, income and deduction flow to their owners. Accordingly, a special rule for computing

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

"taxable income" is necessary to enable them to compute their Illinois base income for purposes of determining their Illinois Personal Property Tax Replacement Income Tax liability under IITA Section 201(c) and (d). For partnerships, "taxable income" is taxable income determined in accordance with Internal Revenue section 703, except that taxable income shall take into account those items that are required by Internal Revenue Code section 703(a)(1) to be separately stated but would be taken into account by an individual in calculating his taxable income. (IITA Section 203(e)(2)(H)).

- A) Items required to be separately stated under Internal Revenue Code section 703(a)(1). Internal Revenue Code section 703(a)(1) provides that items listed in Internal Revenue Code section 702(a) must be separately stated. These items are:
- i) gains and losses from sales or exchanges of capital assets held for not more than 1 year;
 - ii) gains and losses from sales or exchanges of capital assets held for more than 1 year;
 - iii) gains and losses from sales or exchanges of property described in Internal Revenue Code section 1231 (relating to certain property used in a trade or business and involuntary conversions);
 - iv) charitable contributions (as defined in Internal Revenue Code section 170(c));
 - v) dividends entitled to capital gains treatment under Internal Revenue Code section 1(h)(11) or to the corporate dividends-received deduction under part VIII of subchapter B of the Internal Revenue Code;
 - vi) taxes for which the foreign tax credit may be allowed under Internal Revenue Code section 901, paid or accrued to foreign countries and to possessions of the United States; and

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- vii) other items of income, gain, loss, deduction or credit to the extent provided by regulations prescribed by the Secretary of the Treasury.
- B) Treatment of items required to be separately stated under Internal Revenue Code section 703(a)(1). Many items are required to be separately stated because their deduction is limited by the taxable income or adjusted gross income of the taxpayer, and this limitation must be determined by each partner rather than by the partnership. IITA Section 203(e)(2)(H) permits the deduction of these items without imposing the limitations that could apply to the partner. For example, charitable deductions that must be separately stated deductible by a partnership without regard to the limitations under Internal Revenue Code section 170(b).
- C) Items not separately stated under Internal Revenue Code section 703(a)(1), and that cannot be taken into account in computing "taxable income" for purposes of IITA Section 203, include:
- i) Internal Revenue Code section 199(d)(1)(A) provides that the deduction under Internal Revenue Code section 199 for the domestic production activities income of a partnership is taken at the partner level, rather than by the partnership. Because these deductions are separately stated, this provision and not the provision under Internal Revenue Code section 703(a)(1), a partnership may not take these deductions in computing its taxable income for purposes of IITA Section 203;
- ii) Internal Revenue Code section 613A(c)(11) provides that percentage depletion deductions for oil and gas property of a partnership is computed separately for each partner. Because these deductions are separately stated, this provision and not the provision under Internal Revenue Code section 703(a)(1), a partnership may not take these deductions in computing its taxable income for purposes of IITA Section 203. However, in the case of any partnership that deducted percentage depletion on oil and gas properties on any return filed prior to the adoption of this regulation in

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

reliance on the return instructions for the Form IL-1065, any increase in Illinois income tax liability that would result from disallowing the percentage depletion deduction for oil and gas property for that year shall be abated under Section 4(c) of the Taxpayers' Bill of Rights Act. (See 20 ILCS 2520/4(c)); and

iii) Internal Revenue Code section 108(a) provides that a taxpayer in bankruptcy or that is insolvent does not recognize income from discharge of indebtedness. Internal Revenue Code section 108(d)(6) provides that, when indebtedness of a partnership is discharged, this exemption applies only at the partner level. Accordingly, the exemption in Internal Revenue Code section 108(a) does not apply in determining the taxable income of a partnership.

9) Electing small business trust (ESBT). An ESBT that owns both stock in one or more Subchapter S corporations and other property is treated as two separate trusts under Internal Revenue Code section 641. However, the IRS practice is to require the ESBT to file a single return and pay tax on the income from both sources. In these cases, the income of the ESBT derived by the ESBT from investments in Subchapter S corporations is not reported, but rather the tax liability attributable to that income is computed separately and added to the tax liability computed for the other property of the ESBT. In order to allow the ESBT to file a single Illinois income tax return, an ESBT that owns both stock in Subchapter S corporations and other property shall include income from both sources in its taxable income for purposes of IITA Section 203.

d) Special rule regarding recapture of business expense on disposition of asset or business. Notwithstanding any other law to the contrary, if in prior years income from an asset or business has been classified as business income and in a later year is demonstrated to be non-business income, then all expenses, without limitation, deducted in such later year and in the two immediately preceding taxable years related to that asset or business that generated the non-business income, shall be added back and recaptured as business income in the year of the disposition of the asset or business. Such amount shall be apportioned to Illinois using the greater of the apportionment fraction computed for the business under

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

IITA Section 304 for the taxable year or the average of the apportionment fractions computed for the business under IITA Section 304 for the taxable year and for the two immediately preceding taxable years. This provision is effective for tax years ending on or after July 30, 2004, the effective date of Public Act 93-0840. (IITA Section 203(e)(3))

- 1) IITA Section 203(e)(3) requires recapture of expenses treated as business expenses in a taxable year for which the taxpayer has made an election under IITA Section 1501(a)(1) to treat all of its income (other than employee compensation) as business income whenever, in a subsequent year, the taxpayer fails to make that election, so that income from an asset is treated as business income in the earlier year and as nonbusiness income in the subsequent year.
- 2) IITA Section 203(e)(3) shall not require the recapture of business expenses passed through to a partner in any taxable year by a partnership that qualifies as an investment partnership under IITA Section 1501(a)(11.5) in a subsequent taxable year, causing all income of the partnership to be characterized as nonbusiness income under IITA Section 305(c-5).
- 3) IITA Section 203(e)(3) shall not require a partner, a shareholder in a Subchapter S corporation, or a beneficiary of a trust or estate to recapture business expenses passed through by the partnership, Subchapter S corporation, trust or estate for a taxable year merely because nonbusiness income is passed through the partnership, Subchapter S corporation, trust or estate in a subsequent year. However, recapture of those business expenses passed through in a taxable year shall be required by the partner, shareholder or beneficiary if the partnership, Subchapter S corporation, trust or estate is required to recapture business expenses for that taxable year or if the business expenses were passed through in the same year that the partnership, Subchapter S corporation, trust or estate also passed through nonbusiness income that the partner, shareholder or beneficiary elected to treat as business income under IITA Section 1501(a)(1) and the partner, shareholder or beneficiary fails to make that election with respect to nonbusiness income passed through by the partnership, Subchapter S corporation, trust or estate in a subsequent year.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- e) Illinois base income defined. "Illinois base income" is the amount determined by applying addition and subtraction modifications specifically authorized under the IITA to either federal adjusted gross income (in the case of individuals) or federal taxable income (in the case of all other taxpayers). An item taken into account on the federal income tax return after the computation of federal taxable income or federal adjusted gross income will not be reflected on the corresponding Illinois income or replacement income tax return unless specifically authorized in the IITA. For example, itemized deductions, which are taken on Schedule A to the U.S. 1040 after federal adjusted gross income has already been calculated, are not reflected in Illinois base income.
- f) Double deductions prohibited. No item of deduction may be taken into account twice in the calculation of Illinois base income unless specifically authorized under the IITA. If a subtraction modification applies to an item that is already excluded or deducted in computing adjusted gross income or federal taxable income, or to which another subtraction applies, it will be disallowed. (see IITA Section 203(g))
- g) Legislative intention. IITA Section 203(h) provides that, unless specifically authorized under the IITA Section 203, no modifications or limitations on the amounts of income, gain, loss or deduction shall be taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of Illinois base income and net income (defined at 86 Ill. Adm. Code 100.2050) for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: Added at 32 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1010.110	Amendment
1010.120	Amendment
1010.465	New Section
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)] and 625 ILCS 5/3-118.1
- 5) Complete Description of the Subjects and Issues Involved: The following amendments address the additional information required upon submission of an application for Certificates of Title for a rebuilt or restored vehicle and the proper format said required information shall be submitted. The new Section sets forth the requirements for issuance of specialty license plates, including the minimum number of plates that must be ordered, payment of fees, and discontinuing plates where a minimum number have not been ordered in prescribed time period.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: Amending the rule to agree with changes to the law. The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Written comments may be submitted within 45 days to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Nathan Maddox
Office of the General Counsel
Senior Legal Advisor
298 Howlett Building
Springfield, IL 62756

nmaddox@ilsos.net

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensed rebuilders and not-for-profit agencies for which specialty licenses plates have been authorized by the General Assembly may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Not-for-profit agencies for which specialty licenses plates have been authorized by the General Assembly will need to promote the sale of their specialty license plates in order for the plates to be produced. The Secretary of State will do all recordkeeping.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Department did not anticipate this rulemaking at the time the agendas were filed.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents - Bond

SUBPART C: REGISTRATION

Section	
1010.210	Application for Registration
1010.220	Vehicles Subject to Registration – Exceptions
1010.230	Refusing Registration or Certificate of Title
1010.240	Registration Plates To Be Furnished by the Secretary of State
1010.245	Electronic Registration and Titling (ERT) Program Provisions

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any
Registration
- 1010.310 Improper Use of Evidences of Registration
- 1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards
and Titles
- 1010.330 Operation of Vehicle Without Proper Illinois Registration
- 1010.350 Suspension or Revocation
- 1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

- 1010.410 Temporary Registration – Individual Transactions
- 1010.420 Temporary Permit Pending Registration In Illinois
- 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the
Secretary of State
- 1010.425 Non-Resident Drive-Away Permits
- 1010.426 Five Day Permits
- 1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for
Compensation and Tow Trucks
- 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
- 1010.450 Special Plates
- 1010.451 Purple Heart License Plates
- 1010.452 Special Event License Plates
- 1010.453 Retired Armed Forces License Plates
- 1010.454 Gold Star License Plates
- 1010.455 Collectible License Plates
- 1010.456 Sample License Plates For Motion Picture and Television Studios
- 1010.457 Korean War Veteran License Plates
- 1010.458 Collegiate License Plates
- 1010.460 Special Plates for Members of the United States Armed Forces Reserves
- 1010.465 Requests for General Issuance Specialty License Plates
- 1010.470 Dealer Plate Records
- 1010.480 State of Illinois In-Transit Plates

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: FEES

Section	
1010.510	Determination of Registration Fees
1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Fees

SUBPART G: MISCELLANEOUS

Section	
1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section	
1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755	Mileage Tax Plates
1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760	Transfer for "For-Hire" Loads
1010.765	Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770	Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775	Certificate of Safety
1010.APPENDIX A	Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B	International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART B: TITLES

Section 1010.110 Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- a) In addition to the Application for a Certificate of Title for a rebuilt or restored vehicle accompanied by the surrendered salvage certificate and submitted to the Secretary of State and prescribed in Section 3-115(d) of the Illinois Vehicle Code (IVC), the Secretary pursuant to Section 3-104(e) of that statute is authorized to require additional information from applicants for certificate of title for a rebuilt or a restored vehicle.
- b) Applicants for certificates of title for a rebuilt or restored vehicle accompanied by a surrendered salvage certificate, shall be required to submit the following additional information in support of such application:
- 1) A certificate of changed or not changed component parts on the subject vehicle having been rebuilt or restored.
 - 2) A certificate that the Illinois Vehicle Equipment Law~~Safety Code~~ (Chapter 12) of the Illinois Vehicle Code [625 ILCS 5/Ch. 12]~~(Ill. Rev. Stat. 1981, ch. 95½, pars. 1-100 et seq.)~~ has been complied with on the subject vehicle that has been rebuilt or restored.
- c) The~~Sueh~~ certificate shall be made in the form of an affirmation~~affidavit~~ supporting the application for certificate of title for a rebuilt or restored vehicle accompanied by the surrendered salvage certificate and shall be substantially the following form:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS



Office of the Secretary of State

AFFIRMATION SUPPORTING SALVAGE CERTIFICATE

This form must accompany all Salvage Certificates for which a Certificate of Title is requested

State of Illinois

County of _____

Rebuilder's Name	Rebuilder's #	Yr.
Contracted Rebuilder's Name	Rebuilder's #	Yr.
The undersigned hereby affirms to be the owner(s) of the below described vehicle, acquired by Salvage Certificate		
No. _____ from _____		
Yr. _____ Make _____ VIN _____		

Complete Section A or B:

A. Rebuilder states that of parts listed on the reverse side of this affirmation, only the following have been changed:

Type of Part	VIN	Year	Make	Acquired From
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Rebuilder personally rebuilt the vehicle, or personally supervised its rebuilding. Rebuilder personally inspected the completed vehicle, and it complies with all safety requirements set forth in the Illinois Compiled Statutes, Chapter 625, and any regulations promulgated thereunder by the Secretary of State.

B. Rebuilder affirms that no essential parts have been removed, replaced, or damaged by flood, and that completion of this affirmation provides that this vehicle need not complete a successful salvage inspection as prescribed under Section 5/3-308 of the Illinois Compiled Statutes. Rebuilder further affirms that the vehicle was personally inspected, and it complies with all safety requirements set forth in the Illinois Compiled Statutes, Chapter 625, and any regulations promulgated thereunder by the Secretary of State.

I affirm, under penalty of perjury, that all information contained in this affirmation and its attachments is true and correct to the best of my knowledge.

(Signature of Rebuilder or Authorized Agent)

Date

(Signature of Contracted Licensed Rebuilder)

Date

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

|

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

CODE FOR ESSENTIAL PARTS LIST

- A. Right front fender/rear fender
- B. Left front fender/rear fender
- *C. Right rear quarter panel/bed slide
- *D. Left rear quarter panel/bed slide
- E. Hood
- F. Right front door
- G. Right rear door
- H. Left front door
- I. Left rear door
- J. Hatchback/deck lid/tailgate/trunk lid
- K. Right T-top
- L. Left T-top
- M. Moon roof/sunroof/astro body
- N. Front end assembly – (headlights-fenders-hood)
- O. Front clip (FEA-with cowl attached)
- P. Rear clip (quarter panels-fenders-floor-top)
- Q. Clip cab (roof-back panel-floor)
- R. Cab (clip cab-with cowl)
- *S. Bed
- T. Frame
- U. Engine
- *V. Transmission
- W. Cowl
- X. Transmission (Second Division)
- Y. Aluminum wheels
- Z. Chassis/shell/hulk

SEATS

- AA. Front seat
- AB. Rear seat
- AC. Left front seat
- AD. Right front seat
- AE. Left rear seat
- AF. Right rear seat

RADIOS

- AG. Cassette/compact disc
- AH. Cassette radio
- AI. Compact disc changer
- AJ. Compact disc player
- AK. Compact disc radio
- AL. Stereo radio (AM/FM)
- *AM. Front bumper (NHTSA veh)
- *AN. Rear bumper (NHTSA veh)

MOTORCYCLES

- *AP. Faring
- *AQ. Fuel tanks
- *AR. Fork

**Not considered essential parts, may be inspected as part of the Salvage Vehicle Inspection Program.*

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

This form can be found at the Secretary of State website, specifically at the following link: http://www.cyberdriveillinois.com/publications/pdf_publications/rt1113.pdf

~~OFFICE OF THE SECRETARY OF STATE~~

~~Affidavit Supporting Application
For Certificate of Title
For a Rebuilt or Restored Vehicle
(Also attached is Surrendered Salvage Certificate)~~

~~State of Illinois)
) SS
County of)~~

~~The undersigned being first duly sworn deposes and says that~~

~~_____ , Dealers license no. _____ ;
(dealer's name)~~

~~is the owner of a certain motor vehicle described as a 19 _____ ;~~

~~_____ , VIN No. _____
(make)~~

~~From _____ ;~~

~~Affiant further states that no component parts containing Vehicle Identification Numbers have been changed except as listed below:~~

	Vin No.	Make	Year	How Acquired
1.	Motor—			
2.	Transmission—			
3.	Body—			
4.	Frame—			

~~Affiant further states that the above described vehicle complies with the statutes, rules, and regulations as prescribed in Chapter 12 of the Illinois Vehicle Code pertaining to the safety of the vehicle.~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

 Signature of dealer or authorized agent

~~Subscribed and sworn to before me this~~ _____ day of
 _____, 19 _____.

(SEAL)

Notary Public

Notary's Address

- d) The standardized document entitled Application for Certificate of Title accompanied by the surrendered salvage certificate as well as a standardized document entitled Affirmation Supporting Salvage Certificate Affidavit Supporting Application for Certificate of Title shall be available on request from the Office of the Secretary of State and no other documents shall be deemed a valid Application for a Certificate of Title for a Rebuilt or Restored Vehicle.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1010.120 Salvage Certificate – Assignments and Reassignments

In order to implement and clarify the provisions of Section 3-118 as to the number of assignments and reassignments of Salvage Certificates permitted by the Illinois Vehicle Code, the following information shall serve as a guide to the Secretary of State in making such determination:

- a) A salvage certificate may be assigned to any dealer licensed as a Rebuilder, Automotive Parts Recycler, Scrap Processor or an out-of-state Salvage Vehicle Buyer under the Illinois Vehicle Code. Only one reassignment of that certificate is permissible and that reassignment shall be only to a dealer licensed under the Illinois Vehicle Code.
- b) A transfer or assignment to an individual other than a licensed dealer under the Illinois Vehicle Code must be by means of a certificate of title which is in the name of the licensed dealer.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART E: SPECIAL PERMITS AND PLATES

Section 1010.465 Requests for General Issuance Specialty License Plates

- a) For purposes of this Section, the following definition shall apply:
- "General Issuance Specialty Plate" means registration plates that have been authorized by Illinois statute with the primary goal of raising funds for a specific organization or organizations. These plates are available to the general public and not awarded based on any specific qualifying criteria.
- b) The Secretary will begin production of a new general issuance license specialty plate category only after receiving 1,500 requests for that particular plate. If 1,500 requests are not received within 2 years after the effective date of the authorizing legislation, the license plate category will no longer be considered for production.
- c) All requests will be on a form designated by the Secretary and will be accompanied by the fundraising organization's portion of the additional fee associated with that plate. All fees collected under this Section are non-refundable and will be deposited in the special fund as designated in the enabling legislation, regardless of whether the plate is produced. The form shall be as follows and can be found at the Secretary of State website, specifically http://www.cyberdriveillinois.com/publications/pdf_publications/vsd702.pdf:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS



Secretary of State
Vehicle Services Department
Special Plates Division
501 S. Second St., Rm. 312
Springfield, IL 62756

**Secretary of State
Vehicle Services Department
Specialty License Plates Request**

This request may only be processed
in the Springfield Office.

WWW.CYBERDRIVEILLINOIS.COM

Print

Reset

This space for use by
Secretary of State.

Specialty license plates are authorized by Illinois statute with the primary goal of raising funds for a specific organization(s). The plates are available to the public and are not awarded based on specific qualifying criteria.

- The Secretary of State will begin production of a new specialty plate category after receiving 1,500 requests for the plate.
- Design and color of the plates is at the discretion of the Office of the Secretary of State.
- A non-refundable Specialty license plates fee must accompany each plate request. The fee will be deposited into the special fund as designated by statute regardless of whether or not the plates are produced.

Name of Specialty Plate Being Requested: _____ Date: _____
 Current License Plates #: _____ Expiration Date: _____
 Vehicle Owner's Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Daytime Telephone Number (8 a.m.-4:30 p.m.): _____
 Signature: _____ Amount Enclosed: _____

FOR OFFICE USE ONLY	Name of Specialty Plate: _____ Date Received: _____
	Vehicle Owner's Name: _____
	Fee Received (check number): _____

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- d) The design and color of the plates is wholly within the discretion of the Secretary, except the Illinois State Police, the Secretary of State Police and either the Illinois Sheriff's Association or the Illinois Association of Chiefs of Police must approve the design.

(Source: Added at 32 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Organization and Public Information
- 2) Code Citation: 2 Ill. Adm. Code 1700
- 3) Section Number: 1700.10 Adopted Action:
New Section
- 4) Statutory Authority Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05], and Section 2-107 of the Public Utilities Act [220 ILCS 5/2-107] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]
- 5) Effective Date of Amendment: December 10, 2007
- 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 amendment is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: This amendment is adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and was not published as a proposed amendment in the *Illinois Register*.
- 10) Has JCAR issued a Statement of Objection to this amendment? This amendment is adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and was not submitted to JCAR for prior review.
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were made
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendment:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

On August 13, 2007, P.A. 95-0127 became effective. This legislation added the following language to Section 2-107 of the Public Utilities Act:

At each regular and special meeting that is open to the public, members of the public shall be afforded time, subject to reasonable constraints, to make comments to or to ask questions of the Commission.

The amendment prescribes the process for members of the public to follow in order to exercise the rights created by the amendment to Section 2-107 of the Public Utilities Act.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER IX: ILLINOIS COMMERCE COMMISSIONPART 1700
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATIONSUBPART A: PUBLIC ACCESS

Section

1700.10 Accessibility of Commission Meetings

SUBPART D: NOTICE OF INQUIRY PROCEDURES

Section

1700.310 Initiation of Notice of Inquiry
1700.320 Notice
1700.330 Content of Notice
1700.340 Comments and Replies
1700.350 Form of Comments and Replies; Number of Copies
1700.360 NOI Proceedings

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05], and Section 2-107 of the Public Utilities Act [220 ILCS 5/2-107] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

SOURCE: Adopted at 8 Ill. Reg. 6664, effective May 1, 1984; amended at 31 Ill. Reg. 16734, effective December 10, 2007.

SUBPART A: PUBLIC ACCESSSection 1700.10 Accessibility of Commission Meetings

- a) Any person desiring an opportunity to address the Illinois Commerce Commission (Commission) on current agenda items or any other matter shall submit a written request to the Chief Clerk of the Commission at least 24 hours prior to the Commission meeting. The request shall include the name and address of the

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

person wishing to speak, the name of any group represented, and a summary of the presentation.

- b) The Chairman shall direct the Chief Clerk to notify each person submitting a complete request to address the Commission whether the request will be granted or denied. If the request is granted, the form and duration of the presentation shall be subject to rulings of the Chairman.
- c) At each Commission meeting, the Commission shall set aside a period of time for public comment. Any person desiring to address the Commission shall be allowed up to three minutes for comments or questions. Only one person may speak on behalf of any organization.
- d) Because of demands on the Commission, the total time for presentations at any meeting shall be limited to 30 minutes unless a Commissioner moves for, and the Commission approves, a longer period. Any person wishing to address the Commission, but is unable or not allowed to do so, may submit a written statement to the Commission.
- e) Any person may record by tape, film, or other means, the meetings of the Commission or its committees required to be open by Illinois law, provided that, if the recording process interferes with the overall decorum and proceeding of a meeting, the recording will be discontinued at the request of the Chairman or other presiding officer.

(Source: Added at 31 Ill. Reg. 16734, effective December 10, 2007)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Practice and Procedure
- 2) Code Citation: 26 Ill. Adm. Code 125
- 3) Section Number: 125.425 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23]
- 5) Effective Date of Rulemaking: December 14, 2007
- 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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 12160; August 17, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made to the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This adopted rulemaking restricts the issues and evidence presented to the Board following an appeal hearing of a civil penalty assessment to the issues and evidence that were presented at the appeal hearing itself.
- 16) Information and questions regarding this adopted amendment shall be directed to:

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/557-9939

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 125

PRACTICE AND PROCEDURE

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section	
125.5	Applicability
125.10	Definitions
125.15	Board Offices and Business Hours
125.20	Documents Pertaining to Hearings
125.30	Form of Documents
125.40	Service of Documents
125.50	Computation of Time
125.55	Time of Notices
125.60	Appearances
125.70	Non-Legal Assistance
125.75	Parties
125.80	Answer
125.90	Qualifications of Hearing Examiner
125.95	Authority of Hearing Examiner
125.100	Disqualification of Hearing Examiner
125.110	Motions
125.115	Consolidation and Severance of Claims: Additional Parties
125.120	Amendments
125.130	Intervention
125.135	Pre-hearing Conferences
125.140	Settlement Pursuant to Conference
125.150	Record of Conferences
125.160	Continuances
125.170	Order of Proceedings
125.175	Failure of Party to Appear
125.180	Evidence
125.185	Official Notice
125.190	Examination of Adverse Party or Agent
125.192	Participation by Board Members and Staff
125.195	Hostile Witnesses

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

- 125.197 Admission of Business Records in Evidence
125.199 Compelling Appearance at Hearing

SUBPART B: CLOSED PRELIMINARY HEARINGS

- Section
125.210 Applicability
125.220 Commencement of Proceeding
125.230 Form of Complaint
125.235 Board Members as Complainants
125.240 Service of Complaint
125.245 Appointment of Examiner - Order of Closed Preliminary Hearing
125.250 Time of Preliminary Hearing (Repealed)
125.252 Scope of Preliminary Hearing - Procedures - Evidence
125.253 Responsibilities of the General Counsel
125.254 Stipulated Settlement
125.255 Transcript of Preliminary Hearing (Repealed)
125.260 Report of Hearing Examiner (Repealed)
125.262 Board Determination
125.265 Judicial Review
125.270 Record of Preliminary Hearing on Appeal Administrative Review
125.272 Order of Public Hearing
125.275 Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

- Section
125.310 Applicability
125.320 Initiation of Hearing
125.330 Appointment of Hearing Examiner
125.340 Notice of Hearing
125.350 Discovery Procedures
125.360 Subpoenas
125.370 Transcript of Proceedings
125.380 Official Record
125.390 Briefs and Oral Argument

SUBPART D: FINAL ORDERS

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

Section

- 125.410 Hearing Examiners Report
- 125.420 Order of the Board; Civil Penalties
- 125.425 Civil Penalty Assessments
- 125.430 Enforcement Actions in the Circuit Court
- 125.440 Reconsideration

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS
PURSUANT TO SECTION 9-18

Section

- 125.510 Applicability (Repealed)
- 125.520 Staff Review and Enforcement of Reporting Requirements
- 125.530 Compliance Conference
- 125.540 Staff Initiated Complaint (Repealed)
- 125.550 Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

Section

- 125.610 Applicability
- 125.620 Adoption of Rules
- 125.630 Rulemaking Hearings
- 125.640 Notice of Hearing
- 125.650 Conduct of the Hearing
- 125.660 Examination of Witness
- 125.670 Record
- 125.680 Report of Hearing

SUBPART G: ADVISORY OPINIONS

Section

- 125.710 Advisory Opinions
- 125.720 Reconsideration of Advisory Opinions
- 125.730 Public Availability of Advisory Opinion
- 125.740 Conflict Between this Part and the APA

SUBPART H: MISCELLANEOUS PROVISIONS

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

Section	
125.810	Ex Parte Communications
125.820	Effective Date
125.830	Interpretation
125.840	Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6807, effective May 24, 1999; amended at 24 Ill. Reg. 14203, effective September 11, 2000; emergency amendment at 28 Ill. Reg. 1408, effective January 5, 2004, for a maximum of 150 days; emergency expired June 2, 2004; amended at 29 Ill. Reg. 18796, effective November 7, 2005; amended at 30 Ill. Reg. 6337, effective April 3, 2006; amended at 30 Ill. Reg. 10266, effective June 1, 2006; amended at 31 Ill. Reg. 16738, effective December 14, 2007.

SUBPART D: FINAL ORDERS

Section 125.425 Civil Penalty Assessments

- a) As used in this Section, "authorizing candidate" means any candidate who has, at any time during the reporting period for the report in question or prior to that reporting period, filed with the committee an authorization in accordance with Section 9-8 of the Election Code [10 ILCS 5/9-8].
- b) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. Documents are deemed received by the Board as of the date date-stamped by Board staff on the documents submitted.
- c) If a report is or continues to be delinquent, it is subject to a civil penalty as set out in subsection (e) of this Section.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

- d) When a report required by Section 9-10 of the Election Code is delinquent, the Board will send notice of delinquency to the chairman and the treasurer of each delinquent State, State and local, and local political committee, together with an Order assessing a civil penalty calculated in accord with subsection (e). The notice of delinquency and Order shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of delinquency shall state that the Board has issued a civil penalty that will be final unless the committee shows cause in accord with subsection (f) why the penalty should not be assessed.
- e) The Board will calculate the civil penalty as follows:
- 1) If the committee's total receipts, total expenditures, and ~~the~~ balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less, and if the delinquent report is a semi-annual report, the political committee shall be assessed a fine of \$25 per business day for the first violation, \$50 per business day for the second violation, and \$75 per business day for the third and each subsequent violation, to a maximum of \$5000. ~~If except that, if~~ the committee is formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000. ~~However, provided that~~ the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late.
 - 2) If the committee's total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a semi-annual report, the political committee shall be assessed a fine of \$50 per business day for the first violation, \$100 per business day for the second violation, and \$200 per business day for the third and each subsequent violation, to a maximum of \$5000. ~~If except that, if~~ the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000. ~~However, provided that~~ the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late.
 - 3) If the committee's total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less, and if the delinquent report is a pre-election report,

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

the political committee shall be assessed a fine of \$100 per business day for the first violation, \$200 per business day for the second violation, and \$300 per business day for the third and each subsequent violation, to a maximum of \$5000. ~~If except that, if~~ the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000. ~~However, provided that~~ the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late. The per business day penalty calculation will no longer accrue after the date of the election for which the report has been filed.

- 4) If the committee's total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$200 per business day for the first violation, \$400 per business day for the second violation, and \$600 per business day for the third and each subsequent violation, to a maximum of \$5000. ~~If except that, if~~ the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000. ~~However, provided that~~ the civil penalty shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late. The per business day penalty calculation will no longer accrue after the date of the election for which the report has been filed.
- 5) If the delinquently filed report is a Schedule A-1 (report of contributions exceeding \$500 received during the 30-day period prior to an election), in the final disposition of any appeal of a penalty assessed by the Board for ~~the such~~ delinquency on or after November 19, 2003 (the effective date of Public Act 93-0615), the Board will consider assessing a civil penalty as follows:
 - A) The Board may:
 - i) grant the appeal (no civil penalty assessment);
 - ii) determine that a violation occurred and impose a penalty of no less than 10% nor more than 100% of the total amount of the contributions that were delinquently reported; or

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

- iii) determine that a violation occurred, but decline to assess a penalty.
- B) When considering the amount of the civil penalty to be imposed, the Board shall consider all relevant factors, including, but not limited to, the following factors:
- i) whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;
 - ii) the number of days the contribution was reported late; and
 - iii) past violations of Sections 9-3 and 9-10 of the Election Code by the committee (filing requirement for the Statement of Organization, ~~pre-election reports~~[Pre-Election Reports](#), Schedule A-1s and ~~semi-annual reports~~[Semi-Annual Reports](#)).
- 6) If the delinquently filed report is a Statement of Organization (form D-1), the Board shall assess a civil penalty of \$25 for each business day that the report remains unfiled after its due date, except that, if the committee is supporting a candidate running for statewide office or supporting a statewide referendum or a State Constitutional Amendment, the civil penalty will be \$50 per business day. ~~The~~[Such](#) penalties shall not exceed \$5,000 (\$10,000 for statewide candidates, referenda or State Constitutional Amendment).
- f) In addition to the civil penalties provided for in Section 9-10(b) and (b-5) of the Election Code, a committee or organization required to report under the Election Code may, for violations of provisions of Article 9 of the Election Code other than delinquent filing, be assessed a civil penalty under the provisions of Section 9-23 of the Election Code and this subsection. The Board will calculate civil penalties in accord with subsection (e). A committee that violates both Section 9-10 of the Election Code and an Order of the Board may be liable for separate penalties for each violation. In cases of alleged violation of an Order of the Board brought under the provisions of Section 9-23 of the Election Code, the Board will mail to each committee or organization alleged to be in violation of a Board ~~Order~~[order](#) notice of a proposed civil penalty calculated in accord with the terms

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

of this Part, which proposed penalty shall become effective without further proceedings unless the committee or organization receiving the notice contests the proposed civil penalty. A political committee assessed a civil penalty under Section 9-10(b) or (b-5) for being delinquent in filing a required report or that has received notice of a proposed civil penalty for violation of a Board ~~Order~~ under Section 9-23 may:

- 1) submit, within 30 calendar days after the mailing of the assessment notice, a request for waiver of appearance and appeal affidavit, in the form provided by the Board, stating the reasons for requested waiver of appearance and the reasons for the late filing or violation of the Board ~~Order~~, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing, made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths, or be made pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109]; or
- 2) submit, within 30 calendar days after the mailing of the assessment notice, a request for hearing and appeal affidavit, in the form provided by the Board, stating the reasons for the late filing or violation of the Board Order, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing, made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths, or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure [735 ILCS 5/1-109]; or
- 3) pay, within 30 days after the mailing of the assessment notice, the civil penalty assessed. If an appeal affidavit is filed, with or without waiver of appearance, the civil penalty shall not be due until the appeal is determined by the Board.

g) Post-Appeal Hearing Defense or Evidence

- 1) Any defense and any accompanying evidence upon which the appeal is based that is presented to the Board following an appeal hearing, either by personal appearance before or a written appeal submitted to a Hearing Examiner, shall be limited to the defense and evidence that was presented at the appeal hearing. The defense and evidence shall include, but not be limited to, interpretation of statute and rules, consideration of written or

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

oral testimony tendered at the appeal hearing and consideration of documentary evidence tendered at the hearing.

2) Any defense and accompanying evidence that was not known, and could not reasonably be expected to have been known, by the respondent at the time of the appeal hearing may be presented to the Board. The Board may, upon motion or on its own motion, remand the defense and evidence back to the original Hearing Examiner, or may submit it to a new Hearing Examiner for consideration. If an issue exists as to the applicability of this exception, the Board shall rule upon the issue immediately after presentation of the disputed defense and evidence. The respondent in the case shall be given an opportunity to demonstrate to the Board that the disputed defense and evidence was not known at the time of the appeal hearing and the respondent should not have been expected to have been aware of the defense and evidence at the time of the appeal hearing.

3) Nothing in this Part shall be construed to prevent the respondent from being represented by counsel at the presentation before the Board when the counsel did not represent the respondent at the appeal hearing. Counsel shall be licensed to practice law in the State of Illinois as required by Section 125.60 of this Part.

hg) If a political committee or organization required to report under the provisions of Article 9 of the Election Code that is subject to a civil penalty fails, within the time required, to make payment in full of the assessed civil penalty, then the Board shall proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210]. The Board shall not hear an appeal of a civil penalty imposed for delinquent filing or the violation of a Board Order if neither a request for waiver of appearance and appeal affidavit nor a request for hearing and appeal affidavit is filed within the time required.

ih) Notwithstanding any provision of this Section to the contrary, the Board shall stay the enforcement of any civil penalty in cases of first time violation of a filing deadline and shall stay the enforcement of a civil penalty for the violation of a Board Order whenwhere the committee or organization has voluntarily entered into a stipulation admitting the violation and agreeing to the civil penalty. The stay shall continue only so long as no subsequent violations of Article 9 of the Election Code or of Board Orders occur. Violation of Article 9 of the Election Code or a Board Order will cause the civil penalty otherwise stayed to become

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

immediately due and may expose the committee or organization to further liability in accord with this Section.

- ji)** For the purpose of this Section, second and subsequent violations are deemed to occur with reference to the time the first offense event occurs, not when a hearing, if any is required, concerning ~~the~~ first offense event is held. The Board may consider two or more allegations of violations at the same hearing, treating the first as an initial violation and the remaining as subsequent violations, imposing appropriate civil penalties for each.
- kj)** Notwithstanding any other provision of this Section:
- 1) if an active political committee or organization is assessed no more than one civil penalty under Section 9-10 during a two year period, it shall, after two years have lapsed following the assessment, be considered as never having violated Section 9-10. For a single violation, the two year period begins to run with the mailing of the assessment letter. If an active political committee or organization is assessed more than one civil penalty and has paid all assessed civil penalties, it shall be considered for assessment purposes as not having violated that Section if it is assessed no other civil penalty during a two year period following receipt of payment by the Board;
 - 2) if a committee or organization is assessed a single penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, during the two year period beginning with the date of the assessment letter, or the final Board Order if the assessment is appealed and the appeal is denied, any successor committee or organization shall be considered, for assessment purposes, as not having violated Section 9-10 if it is assessed no other penalty;
 - 3) if a committee or organization is assessed more than one penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, and the political committee or organization has not paid the civil penalties, any successor committee or organization that subsequently pays all civil penalties due shall be considered as never having violated Section 9-10 if, for two years from the date of receipt of payment by the Board, the successor committee or organization is assessed no other civil penalty.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

- ~~k~~) Upon notice by the Hearing Examiner or upon request by any party, the Hearing Examiner may direct parties or their attorneys to appear at a specified time and place for a conference, either during or prior to any hearing, for purposes including, but not limited to:
- 1) the formulation and simplification of issues;
 - 2) the necessity or desirability of amending the assessment notice for the purpose of clarification or correction;
 - 3) the possibility of stipulations concerning material facts;
 - 4) the limitations of the number of witnesses;
 - 5) ~~such~~ other matters as may aid in the simplification of evidence and the disposition of the proceeding.

(Source: Amended at 31 Ill. Reg. 16738, effective December 14, 2007)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Conservation Stewardship Program
- 2) Code Citation: 17 Ill. Adm. Code 2580
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
2580.10	New Section
2580.20	New Section
2580.30	New Section
2580.40	New Section
2580.50	New Section
2580.60	New Section
2580.70	New Section
2580.80	New Section
2580.90	New Section
2580.100	New Section
2580.110	New Section
2580.120	New Section
2580.130	New Section
2580.140	New Section
2580.150	New Section
2580.160	New Section
2580.170	New Section
2580.180	New Section
- 4) Statutory Authority: Implementing and authorized by the Conservation Stewardship Law [35 ILCS 200/10-400]
- 5) Effective Date of Emergency Rules: December 6, 2007
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date filed with the Index Department: December 6, 2007
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Reason for Emergency: The Conservation Stewardship Law (Senate Bill 17) was signed

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

on October 1, 2007. This law encourages landowners to preserve or create wooded acreage, wetlands and prairies by giving them a property tax break for their participation in the Conservation Stewardship Program. The Department of Natural Resources, with input from the Department of Revenue, commenced crafting proposed rules to implement this new law and has crafted the rules in less than 45 working days, pursuant to 5 ILCS 100. However, for this program to be implemented prior to the end of calendar year 2007, it is necessary that the Department file an emergency rulemaking.

- 10) A Complete Description of the Subjects and Issues Involved: This situation constitutes a threat to the public's interest in that it may cause some member of the public to pay higher property taxes and may delay protection or preservation of valuable undisturbed habitat. Landowners fear that if this new administrative rule is not implemented immediately so that they are able to file an application prior to January 1, 2008, their property tax reduction for 2008, payable in 2009, will not be allowed. This would thereby reduce the protection or creation of wildlife habitat and would cause landowners to pay higher taxes in 2009 than the legislature intended when this law was enacted.
- 11) Are there any proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
2580.10	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.20	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.30	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.40	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.50	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.60	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.70	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.80	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.90	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.100	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.110	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.120	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.130	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.140	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.150	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.160	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.170	New Section	31 Ill. Reg. 16682; December 21, 2007
2580.180	New Section	31 Ill. Reg. 16682; December 21, 2007

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

- 12) Statement of Statewide Policy Objective: Taxpayers accepted into this program will pay lower property taxes.
- 13) Information and questions regarding these emergency rules shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER F: ADMINISTRATIVE SERVICES

PART 2580

CONSERVATION STEWARDSHIP PROGRAM

Section

2580.10 Definitions

EMERGENCY

2580.20 Eligibility

EMERGENCY

2580.30 Conservation Management Plan Development

EMERGENCY

2580.40 Taxpayer Contact Information

EMERGENCY

2580.50 Location of Managed Land

EMERGENCY

2580.60 Map of Managed Land

EMERGENCY

2580.70 Description of Managed Land

EMERGENCY

2580.80 Recent History of Managed Land

EMERGENCY

2580.90 Plants and Animals Present

EMERGENCY

2580.100 Adjacent Land Use

EMERGENCY

2580.110 Management Objectives

EMERGENCY

2580.120 Management Practices

EMERGENCY

2580.130 Protection Measures

EMERGENCY

2580.140 Exotic Species

EMERGENCY

2580.150 Uses of Managed Lands to be Allowed by Landowner

EMERGENCY

2580.160 Taxpayer Signature

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

EMERGENCY

2580.170 Plan Review and Appeal Procedures

EMERGENCY

2580.180 Conservation Management Plan Non-Compliance

EMERGENCY

AUTHORITY: Implementing and authorized by the Conservation Stewardship Law [35 ILCS 200/Art. 10, Div. 16].

SOURCE: Adopted by emergency rulemaking at 31 Ill. Reg. 16749, effective December 6, 2007, for a maximum of 150 days.

Section 2580.10 Definitions**EMERGENCY**

"Conservation management plan" means a plan approved by the Department of Natural Resources that specifies conservation and management practices, including uses that will be conducted to preserve and restore unimproved land.

"Managed land" means unimproved land of 5 contiguous acres or more that is subject to a conservation management plan.

"Unimproved land" means woodlands, prairie, wetlands, or other vacant and undeveloped land that is not used for any residential or commercial purpose that materially disturbs the land.

"Contiguous" means not separated by anything other than rivers, streams, road, or right-of-way easement.

"Wooded Acreage" means un-improved land that is predominately tree and shrub cover.

"Materially disturbs the land" means to degrade the natural state of the land.

Section 2580.20 Eligibility**EMERGENCY**

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

- a) Conservation management plans will be accepted only for unimproved land of 5 contiguous acres or more. Unimproved land in Cook County is not eligible for the special valuation under this Section.
- b) A taxpayer may apply for reassessment under this Section, and shall not be penalized for doing so, if the taxpayer owns land:
 - 1) included in a forestry management plan under Section 10-150 of the Property Tax Code [35 ILCS 200/10-150];
 - 2) registered or encumbered by conservation rights under Section 10-166 of the Property Tax Code [35 ILCS 200/10-166]; or
 - 3) registered as a Land and Water Reserve under Section 16 of the Natural Areas Preservation Act [525 ILCS 30/16].
- c) A taxpayer may apply for reassessment of land formerly assessed as farmland under Sections 10-110 through 10-145 of the Property Tax Code [35 ILCS 200/10-110 through 10-145] during the first year in which the land is not used for farm purposes as defined in Section 1-60 of the Property Tax Code [35 ILCS 200/1-60]. The special valuation offered under this Section cannot be applied to land formerly assessed as farmland until the second year in which the land is not used for farm purposes.

**Section 2580.30 Conservation Management Plan Development
EMERGENCY**

- a) A taxpayer requesting special valuation of unimproved land under this Section must first submit a conservation management plan for that land to the Department of Natural Resources for review. The submission of an application for a conservation management plan under Section 10-415 of the Property Tax Code [35 ILCS 200/10-415] or of a forestry management plan under Section 10-150 of the Property Tax Code [35 ILCS 200/10-150] shall be treated as compliance with the requirements of that plan until the Department of Natural Resources can review the application. The conservation management plan may be prepared by the taxpayer or his/her representative and shall include those items listed under Sections 2580.40 to 2580.160. The Department of Natural Resources shall provide a means for submittal of conservation management plans via the Internet at <http://dnr.state.il.us>. Conservation management plans may also be submitted to

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

the Department of Natural Resources as a hard copy via standard means of delivery. Conservation management plans submitted in hard copy should be sent to:

Conservation Stewardship Program
Office of Resource Conservation
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

- b) A taxpayer whose eligibility is based on Section 2580.20(b) shall not be required to submit an original conservation management plan if a management plan prepared as a condition of the programs listed in Section 2580.20(b) has been approved by the Department of Natural Resources.
- c) Management plans prepared for participation in other conservation programs administered by the Department of Natural Resources and approved by the Department of Natural Resources will be accepted as a conservation management plan provided that the plan includes a description of the managed land and specifies the conservation and management practices to be implemented on the managed land as required by Section 10-410 of the Property Tax Code [35 ILCS 200/10-410].

Section 2580.40 Taxpayer Contact Information
EMERGENCY

The taxpayer's name, mailing address and phone numbers shall be included in the conservation management plan. An electronic mail (e-mail) address may be included at the taxpayer's discretion.

Section 2580.50 Location of Managed Land
EMERGENCY

The location of the managed land for which the conservation management plan is prepared shall include the section, township, range, principal meridian and county name. The property index number or parcel number (where used by the County Assessor's Office) shall also be provided.

Section 2580.60 Map of Managed Land
EMERGENCY

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

A map of the managed land and vicinity shall be included. The map shall be at a minimum scale of 2 inches to the mile and shall depict an area large enough to include local landmarks (roads, streams, municipalities, etc.) that will allow a reviewer to locate the managed land within a larger landscape.

**Section 2580.70 Description of Managed Land
EMERGENCY**

The size in acres of the managed land shall be specified in the conservation management plan. The conservation management plan shall also include a description of the habitat type (woodland, wetland, prairie, etc.) that currently exists on the managed land.

**Section 2580.80 Recent History of Managed Land
EMERGENCY**

The conservation management plan shall include a description of the recent (up to 10 years, if known) uses of the managed land and any natural resource management that has been implemented on the managed land during that time.

**Section 2580.90 Plants and Animals Present
EMERGENCY**

A list of the plants and animals known to exist on the managed land shall be included. The list shall include the names of plants and animals that can be identified by the taxpayer or other users of the managed land or a general listing of types of plants and animals (large trees, tall grasses, birds, small animals, fish, etc.).

**Section 2580.100 Adjacent Land Use
EMERGENCY**

The conservation management plan shall include a general description of the present uses of land adjoining the managed land (residential, agricultural, forest, grassland, public roadway, etc.). The use of adjoining land to the north, south, east, and west of the managed land shall be specified.

**Section 2580.110 Management Objectives
EMERGENCY**

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

The conservation management plan shall include a description of the general management objectives to be pursued on the managed land, for example, maintenance of existing habitat types, conversion/restoration to historic habitat type (woodland, wetland, prairie), reduction of erosion. If more than one management objective is to be pursued, each shall be described and the portion of the managed land on which each will be applied shall be specified and delineated on the map included in the conservation management plan.

**Section 2580.120 Management Practices
EMERGENCY**

- a) The specific management practices (herbicide application, planting, prescribed burning, tree thinning, water control structures, etc.) that will be used to achieve the management objectives shall be described. If a management practice is to be implemented on only a portion of the managed land, the portion on which each practice will be applied shall be specified and delineated on the map included in the conservation management plan.
- b) The description of management practices to be implemented on the managed land shall include a detailed annual implementation schedule for the first two years of management. That schedule shall specify the times at which each management practice will be implemented, the portion of the managed land on which each management practice will be implemented, and the identity of the persons who will implement each management practice (the taxpayer, a private contractor, volunteers from a conservation organization, or others).
- c) The description of management practices to be implemented on the managed land shall include a general annual implementation schedule for the third through fifth years of management. That schedule shall list the management practices that will be implemented on the managed land during each of the calendar years.

**Section 2580.130 Protection Measures
EMERGENCY**

The conservation management plan shall include a description of any known or foreseeable threats to the managed land that may affect management decisions (injurious insects, disease, contaminants or other environmental problems, wildfire risk, nearby development, etc.). Protective measures that will be used to minimize or mitigate negative effects of those threats shall be described.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

**Section 2580.140 Exotic Species
EMERGENCY**

Exotic plants which have been identified on the managed land shall be listed in the conservation management plan. The conservation management plan shall include a description of practicable management practices specifically intended to reduce or eliminate exotic plants from the managed land. No conservation management plan shall include the intentional introduction of exotic plants. For the purposes of this Part, exotic plants shall be those included on a list maintained by the Department of Natural Resources which is available at <http://dnr.state.il.us> or by writing to:

Conservation Stewardship Program
Office of Resource Conservation
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

**Section 2580.150 Uses of Managed Land to be Allowed by Landowner
EMERGENCY**

The uses and activities that the landowner intends to allow on the managed land shall be described (hunting, hiking, mushroom collecting, fishing, birding, nut and berry collection, firewood collection, etc.). Enrollment of managed land in the Conservation Stewardship Program creates no obligation on the part of the landowner to allow public access to or use of the managed land.

**Section 2580.160 Taxpayer Signature
EMERGENCY**

A conservation management plan submitted as a hard copy shall be signed and dated by the taxpayer. A conservation management plan submitted via the Internet shall include the electronic signature of the taxpayer. The Department of Natural Resources shall provide a certification form that may be signed by the taxpayer and sent to the Department of Natural Resources in lieu of an electronic signature.

**Section 2580.170 Plan Review and Appeal Procedures
EMERGENCY**

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

- a) The Department of Natural Resources will review all conservation management plans received from taxpayers to determine compliance with the Conservation Stewardship Law [35 ILCS 200/10-400] and other applicable laws and regulations including, but not limited to, the Illinois Endangered Species Protection Act [520 ILCS 10] and the Illinois Natural Areas Preservation Act [525 ILCS 30].
- b) Upon receipt of an application for a conservation management plan, the Department of Natural Resources shall certify, to the Department of Revenue, the application as being an approved plan for the purpose of the Conservation Stewardship Law [35 ILCS 200/10-415(c)]. The conservation management plan will be reviewed by the Department of Natural Resources. If the plan meets all requirements of the Act, the Department of Natural Resources will notify the Department of Revenue of the acceptance of the plan and will provide a copy of the plan to the Department of Revenue. If the plan does not satisfy the requirements of the Act, the Department of Natural Resources will provide the taxpayer an explanation of the deficiencies and give a date by which a revised plan must be submitted to the Department of Natural Resources to maintain eligibility for the special valuation. No more than 90 days will be allowed for revision of a conservation management plan that does not meet the requirements of the Act on first submission. If the taxpayer fails to submit a revised conservation management plan by the specified date, the Department of Natural Resources will notify the Department of Revenue to remove the taxpayer from the list of those qualified for the special valuation.
- c) Pursuant to Section 10-415(e) of the Property Tax Code [35 ILCS 200/10-415(e)], a taxpayer may appeal the denial of their conservation management plan to an independent 3-member panel to be established within the Department of Natural Resources. A taxpayer who wishes to appeal the denial of their conservation management plan shall send notice of their intent to appeal to:
- Office of Legal Counsel
ATTN: Conservation Management Appeals
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
- d) Procedures governing the hearing of appeals are set forth in 17 Ill. Adm. Code 2530 – Revocation Procedures for Conservation Offenses.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULES

**Section 2580.180 Conservation Management Plan Non-Compliance
EMERGENCY**

- a) If the Department of Natural Resources determines, based on field inspections or other reasonable evidence, that the land no longer meets the criteria under the Conservation Stewardship Law, the Department of Natural Resources shall withdraw all or a portion of the land from the special valuation.
- b) The chief county assessment officer shall notify the Department of Natural Resources when the property no longer qualifies for the special valuation because the property no longer meets the land use or minimum acreage requirements.
- c) The chief county assessment officer shall notify the Department of Natural Resources when he or she has reasonable evidence that shows non-compliance with the approved conservation management plan. Such reasonable evidence must be based on, but not limited to, visual inspection of the property, evidence of improper land use, or the taxpayer's refusal to respond to the chief county assessment officer's request for information about the land use or other similar information pertinent to the continued special valuation of the land. Such notification shall be made, in writing, to the Department of Natural Resources. Upon receipt, the Department of Natural Resources shall, within a reasonable length of time, visually inspect the property and pertinent conservation management plans and shall determine if the owner is complying with the approved management plan. Within 15 days of inspecting the property, the Department of Natural Resources shall notify the chief county assessment officer and the Illinois Department of Revenue of its determination. If the property is found to be non-compliant, the chief county assessment officer shall remove the property from the special valuation.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: 125.143 Proposed Action:
Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute that Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 71 FR 43958
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: December 10, 2007
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

The Food Safety and Inspection Service (FSIS) is adding Chile to the list of countries eligible to export poultry and poultry products to the United States. Reviews by FSIS of Chile's laws, regulations and inspection implementation show that its poultry inspection system requirements are equivalent to the relevant provisions of the Poultry Products Inspection Act (PPIA) and its implementing regulations. With this final rule, poultry and poultry products processed in certified Chilean establishments may be exported to the United States. All such products will be subject to reinspection at United States ports-of-entry by FSIS inspectors.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: December 7, 2007
- 10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This peremptory amendment is in compliance with Section 5-150 of the Illinois Administrative Procedure Act.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- 12) Are there any other proposed rulemakings pending on this Part? No
- 13) Statement of Statewide Policy Objective: This preemptory amendment does not affect units of local government.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281

Telephone: 217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products
125.147	Rules of Practice

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15,

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; preemptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; preemptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; preemptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; preemptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; preemptory amendment at 31 Ill. Reg. 16755, effective December 10, 2007.

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION**Section 125.143 Imported Products**

The Department incorporates by reference 9 CFR 327.2, 327.7, and 381.196 (2004; 70 FR 57725 effective November 3, 2005; 70 FR 70033 effective December 21, 2005; 71 FR 43958 effective September 5, 2006; [72 FR 61793 effective December 3, 2007](#)).

(Source: Amended by preemptory rulemaking at 31 Ill. Reg. 16755, effective December 10, 2007)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): State Employees Group Insurance Program (80 Ill. Adm. Code 2105)
- 1) Rulemaking:
- A) Description: To create rules outlining the functions and requirements of the State Employees Group Insurance Program
- B) Statutory Authority: Implementing and authorized by the State Employees Group Insurance Act [5 ILCS 375]
- C) Scheduled meeting/hearing dates: Not yet scheduled
- D) Date agency anticipates First Notice: Spring 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Janice L. Bonneville
Bureau of Benefits
201 East Madison Street, Suite 3A
PO Box 19208
Springfield, IL 62794-9208
217/785-8675
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Local Government Health Plan (80 Ill. Adm. Code 2160)
- 1) Rulemaking:
- A) Description: Generally, the proposed rulemaking will clarify the eligibility and participation requirements for the Local Government Health Plan, and technical changes will be made to make the provisions of the Plan clearer.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2008 REGULATORY AGENDA

- B) Statutory Authority: Implementing the State Employees Group Insurance Act of 1971 and authorized by the Civil Administrative Code of Illinois [20 ILCS 5/5-625]
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Janice Bonneville
Deputy Director, Bureau of Benefits
201 East Madison Street, Suite 3-A
Springfield, Illinois 62794-9208
217/785-8675
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Teachers' Retirement Insurance Plan (80 Ill. Adm. Code 2170)
- 1) Rulemaking:
- A) Description: Update to the rules to reflect compliance with the Health Insurance Portability and Accountability Act (HIPAA) and other minor technical changes.
- B) Statutory Authority: Implementing and authorized by the State Employees Group Insurance Act [5 ILCS 375/1]
- C) Scheduled meeting/hearing dates: Not yet scheduled
- D) Date agency anticipates First Notice: Spring 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Janice L. Bonneville
Bureau of Benefits
201 East Madison Street, Suite 3A
PO Box 19208
Springfield, IL 62794-9208
217/785-8675

G) Related rulemakings and other pertinent information: Noned) Part(s) (Heading and Code Citation): College Insurance Program (80 Ill. Adm. Code 2180)1) Rulemaking:

A) Description: Update to the rules to reflect compliance with the Health Insurance Portability and Accountability Act (HIPAA) and other minor technical changes.

B) Statutory Authority: Implementing and authorized by the State Employees Group Insurance Act [5 ILCS 375/1]

C) Scheduled meeting/hearing dates: Not yet scheduled

D) Date agency anticipates First Notice: Spring 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Janice L. Bonneville
Bureau of Benefits
201 East Madison Street, Suite 3A
PO Box 19208
Springfield, IL 62794-9208
217/785-8675

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2008 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Auto Liability (80 Ill. Adm. Code 3100)

1) Rulemaking:

A) Description: Change to the statutory authority as well as clarification of the role of the recommendation options of the Special Auto Liability Committee.

B) Statutory Authority: Implementing and authorized by the Civil Administrative Code of Illinois [20 ILCS 405/405-105]

C) Scheduled meeting/hearing dates: Not yet scheduled

D) Date agency anticipates First Notice: Spring 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Janice L. Bonneville
Bureau of Benefits
201 East Madison Street, Suite 3A
PO Box 19208
Springfield, IL 62794-9208
217/785-8675

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 4, 2007 through December 10, 2007 and have been scheduled for review by the Committee at its January 9, 2008 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>
1/20/08	<u>Department of Healthcare and Family Services,</u> Medical Payment (89 Ill. Adm. Code 140)	10/5/07 31 Ill. Reg. 13570	1/9/08
1/20/08	<u>Department of Human Services,</u> Food Stamps (89 Ill. Adm. Code 121)	9/7/07 31 Ill. Reg. 12652	1/9/08
1/20/08	<u>Department of Human Services,</u> General Administrative Provisions (89 Ill. Adm. Code 10)	9/7/07 31 Ill. Reg. 12647	1/9/08

PROCLAMATIONS

2007-404 (Revised)
Pearl Harbor Remembrance Day

WHEREAS, December 7, 1941 is one of the most memorable dates of the 20th century. On that day, Japanese bombers attacked unsuspecting American sailors and soldiers stationed at Pearl Harbor; and

WHEREAS, more than 2,000 Americans were killed, including 50 servicemen from Illinois, and another 1,000 were wounded during the bombardment, which outraged Americans like few other events in our nation's history; and

WHEREAS, President Franklin Roosevelt and Congress promptly declared war against Japan and her allies, and our sailors and soldiers performed superbly on all fronts. Together, a Grand Coalition of French, English, Russian, and American servicemen conducted mass campaigns and operations in the Pacific, African, and European theaters; and

WHEREAS, on May 7, 1945 Germany surrendered, which was swiftly followed by Japan's surrender on August 14 of that same year; and

WHEREAS, during the war, more American sailors and soldiers were mobilized than at any other time in our history. By war's end, more than 8 million Americans were serving in just the Army; and

WHEREAS, thanks to the Grand Coalition, our servicemen, and all those at home who contributed to the war effort, the world was made safer for liberty and freedom, the right of all peoples everywhere, which the aggressions of Germany and Japan endangered; and

WHEREAS, this year marks the 62nd anniversary of the end of the Second World War. Although we can never repay all those who faithfully and honorably served during the war, we will always remember what they did and fought for:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2007 as **PEARL HARBOR REMEMBRANCE DAY** in Illinois and order all State facilities to fly their flags at half-staff on such day until sunset in memory of all the heroes who died from the attack at Pearl Harbor, and in tribute to all the men and women whose sacrifices made the world safer for liberty and freedom.

Issued by the Governor November 27, 2007

Filed by the Secretary of State December 7, 2007

PROCLAMATIONS

2007-408 (Revised)**Henry John Hyde**

- WHEREAS, on Thursday, November 29, we lost a respected leader and dedicated public official. The Honorable Henry John Hyde, an 8 year member of the Illinois General Assembly and prominent United States Congressman, passed away at the age of 83; and
- WHEREAS, The Honorable Henry Hyde was born in Chicago on April 18, 1924, where he was an all-city basketball center. After serving in the Navy from 1944 to 1946, seeing combat in the Philippines, he graduated from Georgetown University in 1947 and returned to Chicago to earn a law degree from Loyola University in 1949; and
- WHEREAS, The Honorable Henry Hyde worked as a Chicago trial lawyer before winning a seat in the Illinois House in 1966, which marked the beginning of a remarkable career in public service that led to prominence as a United States Congressman; and
- WHEREAS, The Honorable Henry Hyde is best known for his career in the United States House of Representatives, where he served from 1975 to 2007. Representative Hyde gained the respect of his colleagues, including his opponents, for his wit, charm and fairness; and
- WHEREAS, in 2001, subject to term limits imposed on committee chairmen, The Honorable Henry Hyde stepped down as chairman of the Judiciary Committee he had led since 1995 to take over the International Relations Committee until he retired; and
- WHEREAS, in a fitting tribute to The Honorable Henry Hyde, who is survived by his wife, Judy, three children and four grandchildren, President Bush presented him with the Presidential Medal of Freedom earlier this month:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff until sunset on December 1, 2007 in honor and remembrance of The Honorable Henry John Hyde, whose dedication and commitment to public service was unwavering.

Issued by the Governor November 30, 2007

Filed by the Secretary of State December 7, 2007

2007-409

PROCLAMATIONS

University of Illinois Fighting Illini Day

WHEREAS, on Tuesday, January 1, 2008, the University of Illinois Fighting Illini will return to the Rose Bowl for the first time since 1984 to face the No. 6-ranked University of Southern California (USC) Trojans, keeping alive the traditional Pac-10/Big Ten match-up; and

WHEREAS, the upcoming Illinois-USC match-up is the first time the two teams will meet in the Rose Bowl. Altogether, they have played 12 times in Champaign and Los Angeles; and

WHEREAS, remarkably, Illinois head coach Ron Zook, this year's Big Ten Coach of the Year, lead the Fighting Illini to a 9-3 season after winning just four games combined during his first two seasons. The amazing turnaround included a four-game winning streak to end the regular season and a victory at No. 1 Ohio State; and

WHEREAS, the Rose Bowl, an annual [American college football bowl game](#) tradition usually played on [January 1](#) at the [stadium of the same name](#) in [Pasadena, California](#), is the oldest and, over the course of its history, most prestigious bowl game. It is part of the annual Tournament of Roses event, which also includes the Tournament of Roses Parade; and

WHEREAS, the upcoming bowl event will be the Illinois' first bowl berth in six seasons and their fifth Rose Bowl berth:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 3, 2007 as **UNIVERSITY OF ILLINOIS FIGHTING ILLINI DAY** in Illinois in honor of their selection to play in the coveted Rose Bowl game on January 1.

Issued by the Governor December 3, 2007

Filed by the Secretary of State December 7, 2007

2007-410**Opticians Month**

WHEREAS, healthy vision and good eyesight are important elements in the overall quality of life for everyone; and

WHEREAS, the pace of technological improvements in vision aids continues to accelerate, necessitating expert guidance to assure correct and effective choices in eyewear for overcoming vision deficiencies and safeguarding sight; and

PROCLAMATIONS

WHEREAS, Illinois' opticians provide that expertise by assuring that the prescriptions written by eye doctors for corrective vision aids are filled accurately and effectively; and

WHEREAS, Illinois' opticians also provide an important competitive balance that keeps eyewear within the reach of everyone, regardless of financial means; and

WHEREAS, during the month of January 2008, the Opticians Association of Illinois and their national organization, the Opticians Association of America, will promote the importance of good vision health and safety:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as **OPTICIANS MONTH** in Illinois in recognition of opticians for their contributions to good vision health and safety.

Issued by the Governor December 4, 2007

Filed by the Secretary of State December 7, 2007

2007-411**Cpl. Allen Roberts**

WHEREAS, on Wednesday, November 28, United States Marine Corporal Allen Christian Roberts, 21, of Arcola, Illinois died in a vehicle accident near Al Asad, Iraq; and

WHEREAS, as a Marine, Cpl. Roberts won several awards for his military service, including the Iraq Campaign Medal, Sea Service Deployment Ribbon, Global War on Terrorism Expedition Medal, Global War on Terrorism Service Medal, and the National Defense Medal; and

WHEREAS, Cpl. Roberts was a 2004 graduate of Arcola High School. There he was a member of the football and basketball teams, as well as the yearbook staff and drama club; and

WHEREAS, as a youth, Cpl. Roberts was a member of the Boy Scouts. He also loved cars and was an avid movie fan, knowing many of the characters and memorizing many of the lines from his favorite movies; and

WHEREAS, funeral services will be held on Friday, December 7 for Cpl. Roberts, who is survived by his mother Jaye (Strader) Roberts and father Ronald Allen Roberts:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on December 5, 2007 until sunset on December 7, 2007 in honor and remembrance of Cpl. Roberts, whose selfless service and sacrifice is an inspiration.

Issued by the Governor December 4, 2007

Filed by the Secretary of State December 7, 2007

2007-412**Crime Stoppers of Lake County Month**

WHEREAS, Crime Stoppers of Lake County was formed in 1983 and is a community program comprised of concerned citizens who work closely with police authorities, the news media, and the public in the fight against crime in Lake County and surrounding communities; and

WHEREAS, Crime Stoppers does that by offering cash rewards to anyone who provides information that leads to the arrest of felony crime offenders or the capture of felony fugitives. Informants always remain anonymous, and cash rewards are funded primarily by private contributions; and

WHEREAS, thanks to Crime Stoppers, there have been more than 5,100 criminal arrests throughout Lake County, Northern Illinois, and Wisconsin since the program's inception in 1983. Altogether, more than \$21 million worth of contraband and stolen property has been seized; and

WHEREAS, the success of Crime Stoppers would not be possible without the support of everyone in the community. Consequently, Crime Stoppers also promotes the importance of reporting suspicious behavior and criminal activity; and

WHEREAS, to support their wonderful mission, Crime Stoppers of Lake County will raise money and sponsor events designed to raise awareness during the month of January:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as **CRIME STOPPERS OF LAKE COUNTY MONTH** in Illinois in recognition

PROCLAMATIONS

of their terrific program, and encourage all citizens to help keep their communities safe and free of crime.

Issued by the Governor December 6, 2007

Filed by the Secretary of State December 7, 2007

2007-413**Crossing Guard Appreciation Day**

WHEREAS, approximately 20,000 children under the age of fourteen suffer from motor vehicle-related pedestrian injuries every year, and more than half of those injuries require hospitalization; and

WHEREAS, many of these injuries could be avoided if children had proper road-safety education and did not choose to cross streets or use intersections unsupervised; and

WHEREAS, crossing guards are a dependable means of helping children to avoid unnecessary accidents and injuries; and

WHEREAS, motorists should be aware of children walking to and from school and be especially cautious in and around school zones. They also should follow the directions of all crossing guards and recognize that by doing so, road safety can be improved; and

WHEREAS, crossing guards play an integral role in our communities, working hard to ensure the security of children as they walk to and from school and cross streets. In addition, they teach children to look both ways before crossing streets, as well as other essential safety rules:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby declare May 6, 2008 as **CROSSING GUARD APPRECIATION DAY** in Illinois in recognition of the services that these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor December 6, 2007

Filed by the Secretary of State December 7, 2007

2007-414**Reynaldo P. Glover Day**

PROCLAMATIONS

WHEREAS, on Sunday, December 9, Reynaldo P. Glover, well-known as executive vice president and general counsel of TLC Beatrice International Holdings, died at the age of 64 after a courageous battle with pancreatic cancer; and

WHEREAS, Mr. Glover was born in Gary, Indiana in 1943, the second of six children. After completing undergraduate studies at Fisk University, he went on to enroll in Harvard Law School, earning an LL.B. in 1968; and

WHEREAS, after graduating from Harvard with an LL.B. in 1968, Mr. Glover worked for the Law Students Civil Rights Research Council in New York and served as their national executive director before returning to the Chicago area. There, he worked at a number of law firms as a general partner before joining TLC Beatrice in 1994; and

WHEREAS, Mr. Glover also served as chairman of the City Colleges of Chicago Board of Trustees between 1988 and 1991, and most recently as chairman of Fisk University's Board of Trustees from 2003 until his death; and

WHEREAS, a memorial service will be held on Sunday, December 9 for Mr. Glover, who is survived by his wife, Pamela, and five children, Brian, Reynaldo Jr., Jharet Brantley, Ryan and Shea, as well as three brothers and a host of other relatives, friends and colleagues:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 9, 2007 as **REYNALDO P. GLOVER DAY** in Illinois in remembrance of Mr. Glover, whose integrity, wit and charm touched countless lives.

Issued by the Governor December 6, 2007

Filed by the Secretary of State December 7, 2007

2007-415
Teen Test Day

WHEREAS, the global spread of HIV/AIDS necessitates a worldwide effort to increase awareness, communication, education and action to stop this epidemic; and

WHEREAS, the number of those diagnosed with HIV and AIDS in the United States continues to rise. Today, more than 1 million Americans are infected, including nearly 35,000 in Illinois alone; and

PROCLAMATIONS

WHEREAS, rates of HIV and AIDS infection among the African and Hispanic American populations are especially troubling. Although African and Hispanic Americans represent less than one third of Illinois' population, they comprise more than 60 percent of those diagnosed with HIV and AIDS; and

WHEREAS, unfortunately, silence among many schools and communities on this issue continues to impede progress. There is good news however. Many teens are growing increasingly concerned with the spread of HIV/AIDS and are taking proactive steps to address the problem; and

WHEREAS, on January 5, the Chicago Metropolitan Area Group for Igniting Civilization (MAGIC) will launch an annual health and informational fair in observance of National Teen Test Day, which is intended to raise awareness all around the country about HIV and AIDS, as well as other infectious diseases:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 5, 2008 as **TEEN TEST DAY** in Illinois in support of MAGIC's new health and informational fair, and to promote the importance of testing for sexually transmitted diseases.

Issued by the Governor December 7, 2007

Filed by the Secretary of State December 7, 2007

2007-416**Career and Technical Education Month**

WHEREAS, a commitment to career and technical education helps to ensure that Illinois has a strong, well-trained workforce that enhances productivity in business and industry, and solidifies the state's leadership in the national and international marketplaces; and

WHEREAS, providing citizens with career and technical education can stimulate the growth and vitality of businesses and industries by preparing workers for the occupations forecasted to experience the largest and fastest growth in the next decade; and

WHEREAS, individual citizens benefit from a career and technical education because it enables them to find satisfying careers suited to their own skills and interests, provides technical skills that allow them to excel in their chosen careers and teaches leadership skills that serve them on the job, at home and in the community; and

PROCLAMATIONS

WHEREAS, for over 60 years, the Illinois Association for Career and Technical Education (IACTE), the only association in Illinois dedicated to the support and service of career and technical educators, has been committed to the betterment of the profession, and to providing visibility and assistance for vocational and technical education; and

WHEREAS, each year, the IACTE celebrates Career and Technical Education Month to promote the advancement of the career and technical education profession in this state. The theme for this year's month is "Discovering Skills for a Competitive Workforce":

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2008 as **CAREER AND TECHNICAL EDUCATION MONTH** in Illinois, and encourage all citizens to become familiar with the services and benefits offered by career and technical education programs in our state, and to support and participate in these programs to enhance individual work skills and productivity.

Issued by the Governor December 7, 2007

Filed by the Secretary of State December 7, 2007

2007-417**GUBERNATORIAL PROCLAMATION**

On Saturday, December 8, 2007, a storm system that is forecasted to continue for the next two days began moving through Central Illinois. This storm has resulted in freezing rain in some areas causing a heavy accumulation of ice on trees, power lines, roads and buildings. The cities of Jacksonville and South Jacksonville have been severely impacted by this ice storm. Power outages are widespread due to downed power lines. Broken tree limbs falling on the streets have made many roadways, including emergency routes, dangerous for traffic.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Morgan County as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal disaster assistance to supplement State and local government efforts if it is deemed necessary to protect public health and safety and to assist in disaster recovery.

PROCLAMATIONS

Date: December 10, 2007

Filed: December 10, 2007

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 51 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 240	.....	16599
83 - 200	.....	16616
83 - 421	.....	16623
89 - 120	.....	16629
89 - 160	.....	16651
17 - 2580	.....	16682
35 - 1010	.....	16685
86 - 100	.....	16695
92 - 1010	.....	16718

ADOPTED RULES

2 - 1700	12/10/2007.....	16734
26 - 125	12/14/2007.....	16738

EMERGENCY RULES

17 - 2580	12/6/2007.....	16751
-----------	----------------	-------

PEREMPTORY RULES

8 - 125	12/10/2007.....	16763
---------	-----------------	-------

EXECUTIVE ORDERS AND PROCLAMATIONS

07 - 404	11/27/2007.....	16775
07 - 409	12/3/2007.....	16776
07 - 408	11/30/2007.....	16776
07 - 410	12/4/2007.....	16777
07 - 411	12/4/2007.....	16778
07 - 412	12/6/2007.....	16779
07 - 414	12/6/2007.....	16780
07 - 413	12/6/2007.....	16780
07 - 415	12/7/2007.....	16781
07 - 416	12/7/2007.....	16782
07 - 417	12/10/2007.....	16783

REGULATORY AGENDA

80 - 2105	16770
-----------	-------	-------

ORDER FORM

<input type="checkbox"/> Subscription to the Illinois Register (52 Issues) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 1990 - 2005 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.) \$ 2.00 TOTAL AMOUNT OF ORDER \$ _____	

Check Make Checks Payable To: **Secretary of State**

VISA Master Card Discover (There is a \$2.00 processing fee for credit card purchases.)

Card #: _____ Expiration Date: _____

Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 524-0308

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** · Secretary of State
www.cyberdriveillinois.com