

# 2010

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 34, Issue 2  
January 8, 2010  
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## 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 preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

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

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

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
10	February 22, 2010	March 5, 2010
11	March 1, 2010	March 12, 2010
12	March 8, 2010	March 19, 2010
13	March 15, 2010	March 26, 2010
14	March 22, 2010	April 2, 2010
15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010
24	June 1, 2010	June 11, 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
30	July 12, 2010	July 23, 2010
31	July 19, 2010	July 30, 2010
32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
34	August 9, 2010	August 20, 2010
35	August 16, 2010	August 27, 2010
36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
42	October 4, 2010	October 15, 2010
43	October 12, 2010	October 22, 2010
44	October 18, 2010	October 29, 2010
45	October 25, 2010	November 5, 2010
46	November 1, 2010	November 12, 2010
47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

**Editor's Note:** This is a reminder that January 4, 2010 is the final day to submit your Agency's Regulatory Agenda for the January 2010 filing period.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pre-licensing and Continuing Education
- 2) Code Citation: 50 Ill. Adm. Code 3119
- 3) Section Number: 3119.45                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 500-25, 500-30 and 500-35 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/500-25, 500-30, 500-35, and 401]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will implement provisions of PA 96-839 requiring producers to register for and complete three hours of classroom ethics instruction. The proposed amendment will also reduce the maximum number of credit hours a producer may accumulate on file with the Department.
- 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>
3119.10	Amendment	33 Ill. Reg. 5161; April 10, 2009
3119.20	Amendment	33 Ill. Reg. 5161; April 10, 2009
3119.30	Amendment	33 Ill. Reg. 5161; April 10, 2009
3119.45	Amendment	33 Ill. Reg. 5161; April 10, 2009
3119.50	Amendment	33 Ill. Reg. 5161; April 10, 2009
3119.60	Amendment	33 Ill. Reg. 5161; April 10, 2009
3119.65	Amendment	33 Ill. Reg. 5161; April 10, 2009
3119.70	Amendment	33 Ill. Reg. 5161; April 10, 2009
3119.75	New Section	33 Ill. Reg. 5161; April 10, 2009

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- |   |    |  |
|---|----|--|
| Helen Kim, Staff Attorney<br>Department of Insurance<br>100 West Randolph Street, Suite 9-301<br>Chicago, Illinois 60601-3251<br><br>312/814-5422 | or | Susan Anders, Rules Coordinator<br>Department of Insurance<br>320 West Washington, 4 <sup>th</sup> Floor<br>Springfield, Illinois 62767-0001<br><br>217/785-0813 |
|---|----|--|
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Insurance producers and education providers
- B) Reporting, bookkeeping or other procedures required for compliance: Please review the proposed amendments to this Part.
- C) Types of professional skills necessary for compliance: Insurance/Administrative
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the need for this rulemaking was not anticipated at the time the agendas were published.

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

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

## TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF ~~INSURANCE FINANCIAL AND PROFESSIONAL  
REGULATION~~SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE  
REPRESENTATIVES AND BUSINESS ENTITIES

## PART 3119

## PRE-LICENSING AND CONTINUING EDUCATION

## Section

3119.10	Purpose
3119.20	Definitions
3119.30	Provider Responsibilities
3119.40	Responsibilities of Applicant for Insurance Producer Licenses and Licensed Insurance Producers Until 1/1/97 (Repealed)
3119.45	Responsibilities of the Applicant for Insurance Producer Licenses and the Licensed Insurance Producers
3119.50	Pre-Licensing – Course of Study Requirements
3119.60	Continuing Education Requirements
3119.65	Course Credit
3119.70	Course and Provider Disqualification
3119.80	Severability
3119.EXHIBIT A	Request for Certification of a Pre-Licensing Course (Repealed)
3119.EXHIBIT B	Request for Certification of a Continuing Education Course (Repealed)
3119.EXHIBIT C	Provider List – Proof of Completion (Repealed)
3119.EXHIBIT D	Provider List – Proof of Completion (Continuing Education) (Repealed)
3119.EXHIBIT E	Course of Study – Life
3119.EXHIBIT F	Course of Study – Accident/Health
3119.EXHIBIT G	Course of Study – Fire
3119.EXHIBIT H	Course of Study – Casualty/Motor Vehicle

AUTHORITY: Implementing Sections 500-25, 500-30 and 500-35 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/500-25, 500-30, 500-35, and 401].

SOURCE: Adopted at 9 Ill. Reg. 80, effective January 1, 1985; amended at 15 Ill. Reg. 69, effective January 1, 1991; amended at 16 Ill. Reg. 126, effective January 1, 1992; amended at 18 Ill. Reg. 16568, effective November 1, 1994; amended at 20 Ill. Reg. 10340, effective July 19, 1996; amended at 21 Ill. Reg. 13820, effective October 15, 1997; amended at 25 Ill. Reg. 6480, effective May 3, 2001; amended at 26 Ill. Reg. 16522, effective October 28, 2002; amended at

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

29 Ill. Reg. 15515, effective September 29, 2005; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 3119.45 Responsibilities of the Applicant for Insurance Producer Licenses and the Licensed Insurance Producers**

a) Applicants for Insurance Producer Licenses

1) Prior to taking the licensing examination, each applicant shall complete the pre-licensing education requirements for each class of insurance for which an examination is being taken. The pre-licensing education course must be used within 1 year after completion.

2) Applicants who have earned the following designations will be exempt from the pre-licensing requirement:

Class of Insurance	Designation
Life	CEBS, ChFC, CIC, CFP, CLU, FLMI, and LUTCF
Accident and Health	RHU, CEBS, REBC, and HIA
Property and Casualty	AAI, ARM, CIC, and CPCU

3) The following abbreviations and acronyms are used in subsection (a)(2):

Life Designations

CEBS	Certified Employee Benefits Specialist
ChFC	Chartered Financial Consultant
CIC	Certified Insurance Counselor
CFP	Certified Financial Planner
CLU	Chartered Life Underwriter
FLMI	Fellow Life Management Institute
LUTCF	Life Underwriting Training Council Fellow

Accident and Health Designations

RHU	Registered Health Underwriter
CEBS	Certified Employee Benefits Specialist
REBC	Registered Employee Benefits Consultant

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

HIA	Health Insurance Associate
	Property and Casualty Designations
AAI	Accredited Advisor Insurance
ARM	Associate in Risk Management
CIC	Certified Insurance Counselor
CPCU	Chartered Property and Casualty Underwriter

## b) Licensed Insurance Producers

- 1) Except as set forth in subsection (b)(5), each~~Each~~ producer shall complete 30 hours of continuing education requirements prior to requesting an extension of an insurance producer license. The producer should complete the course no later than 1 month prior to the license extension date to allow time for the provider to submit proof of completion to the Director. Each producer shall maintain a record of each course completed for 3 years from the date of completion. The record shall include the name of the provider, the course title, and the date of completion.
- 2) Hours taken, course material provided or presented, in whole or in part, or in conjunction with a pre-licensing course that is not certified as pre-licensing education requirement, shall not be used to meet continuing education requirements.
- 3) Courses initiated or completed prior to the original issue date of the license shall not be used to meet continuing education requirements.
- 4) The producer may accumulate a maximum of ~~3645~~ credit hours on file with the ~~Department~~Division.
- 5) For those producers whose licenses renew between January 1, 2010 and March 1, 2010, each such producer shall complete three hours of classroom ethics instruction by registering for three hours of classroom ethics instruction on or before December 31, 2009, and successfully completing three hours of classroom ethics instruction on or before March 1, 2010.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Advance Deposit Wagering (ADW)
- 2) Code Citation: 11 Ill. Adm. Code 325
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
325.60	New Section
325.70	New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements PA 96-762 (SB 1298), that requires all organization licensees to provide their live signal to all advance deposit wagering licensees for a simulcast commission fee not to exceed 6% of the advance deposit wagering licensee's Illinois handle on the organization licensee's signal without prior approval by the Board. The Board may adopt rules under which it may permit simulcast commission fees in excess of 6%. On November 10, 2009, the Board voted unanimously to cap the in-state fee at 8% and prohibit any advance deposit wagering licensee from receiving a signal from any racetrack if it finds that another Illinois advance deposit wagering licensee has been unreasonably denied the same signal.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?  
Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
325.10	New Section	33 Ill. Reg. 12650; September 18, 2009
325.20	New Section	33 Ill. Reg. 12650; September 18, 2009
325.30	New Section	33 Ill. Reg. 12650; September 18, 2009
325.40	New Section	33 Ill. Reg. 12650; September 18, 2009
325.50	New Section	33 Ill. Reg. 12650; September 18, 2009

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:
- Mickey Ezzo  
Illinois Racing Board  
100 West Randolph  
Suite 7-701  
Chicago, Illinois 60601
- 312/814-5017
- 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 which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The Board did not anticipate the need for this rulemaking at that time.

The full text of the Proposed Amendments is identical to that of the Emergency Rulemaking and begins in this issue of the *Illinois Register* on page 581:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Number: 110.116                      Proposed Action:  
New Section
- 4) Statutory Authority: 35 ILCS 200/15-65
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking clarifies the requirements for eligibility for low income housing projects that are owned and managed by an Illinois charity or entity controlled by an Illinois charity that utilize federal tax credits as a financing mechanism. Its purpose is to reconcile the statutory language with constitutional requirements established by the Illinois Supreme Court.
- 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 rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Mark Dyckman  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: Affects not for profits that own and manage low income housing projects
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: Accounting, not for profit management
  
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2009

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

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

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

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].

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

**Section 110.116 Charitable Exemption Eligibility: Low Income Housing Projects**

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- a) The legislature has expressly determined that property otherwise qualifying for an exemption under the charitable exemption section of the Illinois property tax code shall not lose its exemption because the legal title is held:
- 1) by an entity that is organized solely to hold that title and that qualifies under paragraph (2) of section 501(c) of the Internal Revenue Code or its successor, whether or not that entity receives rent from the charitable organization for the repair and maintenance of the property;
  - 2) by an entity that is organized as a partnership or limited liability company, in which the charitable organization, or an affiliate or subsidiary of the charitable organization, is a general partner of the partnership or managing member of the limited liability company, for the purposes of owning and operating a residential rental property that has received an allocation of Low Income Housing Tax Credits for 100% of the dwelling units under section 42 of the Internal Revenue Code of 1986 as amended; or
  - 3) for any assessment year including and subsequent to January 1, 1996 for which an application for exemption has been filed and a decision on which has not become final and nonappealable, by a limited liability company organized under the Limited Liability Company Act provided that:
    - A) the limited liability company's sole member or members, as that term is used in Section 1-5 of the Limited Liability Company Act, are the institutions of public charity that actually and exclusively use the property for charitable and beneficent purposes;
    - B) the limited liability company is a disregarded entity for federal and Illinois income tax purposes and, as a result, the limited liability company is deemed exempt from income tax liability by virtue of the Internal Revenue Code section 501(c)(3) status of its sole member or members; and
    - C) the limited liability company does not lease the property or otherwise use it with a view to profit. [35 ILCS 15-65]
- b) The Illinois Supreme Court has held that charitable property tax exemptions are constitutional as well as statutory and must comply with court determinations

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

setting out factors that must be satisfied in order for the exemption to be granted. The exemption requires both charitable ownership and charitable use of the property.

c) The Requirement of Charitable Ownership

A Low Income Housing Project (Project) owned by a partnership or limited liability company and financed with an allocation of federal Low Income Housing Tax Credits (Tax Credits) pursuant to section 42 of the Internal Revenue Code of 1986, as amended (Code section 42), will satisfy the charitable ownership requirement for exemption and any for-profit entity's involvement to acquire Tax Credits as a limited partner or limited liability company member (LLC Member) shall be viewed as a financing mechanism in that the limited partner or LLC Member does not have the usual indicia of ownership when the following requirements are satisfied:

- 1) The general partner of the partnership or managing member of the limited liability company shall be a charitable organization, or a wholly-owned or controlled affiliate or subsidiary of the charitable organization. The charitable organization must qualify as a charitable organization under Illinois law as established by statute and the relevant guidelines created by the Illinois Supreme Court.
- 2) The project must have an extended low-income housing commitment in accordance with Code section 42(h)(6) (Extended Use Agreement) co-signed by an authorized tax credit allocating agency. The Extended Use Agreement must be recorded against the property. The Extended Use Agreement and/or other written agreements with federal, State, or local government agencies, municipalities, or other charitable organizations at a minimum must evidence the following:
  - A) 100% of the residential rental units in the Project are subject to and operated in accordance with the requirements of Code section 42; and
  - B) the targeted underserved populations in need of housing that will be served by the Project; and

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- C) the support services to be provided by the charitable organization to the target populations and/or the projected operating support to be provided by the charitable organization for the Project.
- d) Requirements of the General Partner or Managing Member
- 1) The general partner of the partnership or managing member of the limited liability company shall manage and control the day-to-day operations of the Project, and shall have the exclusive rights to select Project tenants, determine (in consultation with the charitable organization or a third-party service provider) whether and to what extent supportive services may be offered to a tenant, and whether a tenant has fulfilled the terms of his or her tenancy, including whether the tenant has fulfilled the Non-Eviction Policy requirements (as defined in subsection (f)(1)). The general partner or managing member shall also select and supervise the property manager for the Project.
- 2) The partnership or limited liability company shall grant and execute, with the for-profit entity's written consent, a right of first refusal in favor of the charitable organization or the general partner or managing member to purchase and acquire the Project on terms no less favorable than required by Code section 42(i)(7), or such other terms as may be required by federal statute, regulation or directive.
- e) Limitations on the Investors  
The investors, whether a limited partner of a partnership or LLC Member (the Investors), may not receive any profit or monetary benefit from the sale or operations of the Project other than the Tax Credits, tax losses incurred or received by the partnership or limited liability company relating to the Project. Provided that all other current debts and obligations of the partnership or limited liability company have been paid and operating reserves for the Project are fully funded, some additional benefits to the Investors may be permitted provided that they are De Minimis and consistent with Code section 42.
- f) The Requirement of Charitable Use  
In addition to satisfying the charitable ownership requirement, the Project must also be charitably used. A Project shall be considered in exempt charitable use if the following factors are satisfied:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) The partnership or limited liability company must adopt and maintain a policy not to evict a tenant for non-payment of rent or other residency fees or charges if:
  - A) the non-payment is due solely to the tenant's financial inability to pay the Project's rent, fees or charges,
  - B) the tenant has documented his or her financial inability to pay in accordance with the charitable organization's policies and procedures (the Non-Eviction Policy);
  - C) the partnership or limited liability company must publish and communicate in writing its Non-Eviction Policy to the Project's tenants;
  - D) the partnership or limited liability company must not evict a tenant for his or her documented inability to pay rent in violation of the Non-Eviction Policy; and
- 2) The partnership or limited liability company shall document charitable support, whether financial or in-kind, that it will provide to the Project or the Project's tenants.
  - A) Charitable support in the form of support services must be sufficient to address the needs of the Project's target populations and may include but is not limited to: vocational training; lifestyle counseling; health screenings and referrals; recreational activities for elderly persons; providing access to alcohol or drug counseling or other counseling services; social skills and functional literacy training; and educational opportunities.
  - B) Charitable support in the forms of operating deficit and related guaranty obligations from the general partner, managing member or charitable organization controlling the general partner or managing member for the Project, or operating subsidies actually provided or projected to be provided by general partner, managing member or charitable organization controlling the general partner or managing member shall be documented.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

3) The partnership agreement or operating agreement shall provide that in the event of a conflict between the obligations of the charitable organization (in its capacity as general partner or managing member) to operate the partnership or limited liability company in furtherance of the charitable organization's tax exempt purposes, and any duty it may have to maximize profits of the partnership or limited liability company for the investor, the charitable purposes of the charitable organization shall control.

g) Affidavit of Compliance

The partnership or limited liability company shall include in addition to the usual requirements a certification in its annual Affidavit of Use submitted to the chief county assessment officer that the partnership or limited liability company, as applicable, is in compliance with the provisions of the Extended Use Agreement and has not received an Internal Revenue Service Form 8823 (or successor IRS form) from the Allocating Agency for non-compliance in the previous year that it failed to cure timely to the Allocating Agency's satisfaction. The counties shall have the authority to create and require their own annual Affidavits of Use and request additional information as needed to verify compliance with the statute and this Section.

(Source: Added at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEBT COLLECTION BOARD

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: State Agency Accounts Receivable (Repealer)
- 2) Code Citation: 74 Ill. Adm. Code 910
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
910.10	Repeal
910.20	Repeal
910.30	Repeal
910.40	Repeal
910.50	Repeal
910.60	Repeal
910.70	Repeal
- 4) Statutory Authority: Authorized by the Illinois State Collection Act of 1986 [30 ILCS 210/8]
- 5) Effective Date of Repealer: January 1, 2010
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this adopted repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, 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: 33 Ill. Reg. 13572; October 2, 2009
- 10) Has JCAR issued a Statement of Objection to this Repealer? No
- 11) Differences between proposal and final version. None
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were needed.
- 13) Will this repealer replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

## DEBT COLLECTION BOARD

## NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: Public Act 96-493 eliminates the Debt Collection Board as created under the Illinois State Collection Act of 1986 by repealing 30 ILCS 210/8 and, subsequently, eliminating the Board's functions as outlined in rules.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Paul Romiti  
Debt Collection Board Chairman Designee  
Illinois Department of Central Management Services  
704 Stratton Office Building  
Springfield, Illinois 62706

217/524-5321

Or

Gina Wilson  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield IL 62706

217/785-1793

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Finance Authority
- 2) Code Citation: 74 Ill. Admin. Code 1100
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1100.800	New
1100.805	New
1100.810	New
1100.815	New
1100.817	New
1100.820	New
1100.825	New
1100.830	New
1100.900	New
1100.905	New
1100.910	New
1100.915	New
1100.917	New
1100.920	New
1100.925	New
1100.930	New
- 4) Statutory Authority: Implementing and authorized by the Illinois Finance Authority Act [20 ILCS 3501]
- 5) Effective Date of Rulemaking: December 23, 2009
- 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: 33 Ill. Reg. 6130; May 1, 2009.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between proposal and final version: There are no changes between the proposed and final versions.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were required.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1100.1000	New Section	33 Ill. Reg. 10187; July 17, 2009
1100.1005	New Section	33 Ill. Reg. 10187; July 17, 2009
1100.1010	New Section	33 Ill. Reg. 10187; July 17, 2009
1100.1015	New Section	33 Ill. Reg. 10187; July 17, 2009
1100.1017	New Section	33 Ill. Reg. 10187; July 17, 2009
1100.1020	New Section	33 Ill. Reg. 10187; July 17, 2009
1100.1025	New Section	33 Ill. Reg. 10187; July 17, 2009
1100.1030	New Section	33 Ill. Reg. 10187; July 17, 2009

- 15) Summary and Purpose of Amendments: These rules implement the Illinois Finance Authority Fire Truck and Ambulance Revolving Loan Programs.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Chris Meister  
Executive Director  
Illinois Finance Authority  
Two Prudential Plaza  
180 N Stetson, Suite 2555  
Chicago, IL 60601

312/651-1310  
cmeister@il-fa.com

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

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE  
CHAPTER VIII: ILLINOIS FINANCE AUTHORITYPART 1100  
ILLINOIS FINANCE AUTHORITY

## SUBPART A: ILLINOIS FINANCE AUTHORITY

Section	
1100.50	Definitions
1100.100	Composition, Appointment <u>and</u> ; Terms of Office
1100.105	Board <u>Chairman</u> <del>Chair</del>
1100.110	Executive Director
1100.115	Meetings
1100.120	Records and Reports
1100.125	Public Participation
1100.130	Rulemaking Procedures
1100.135	Purchasing Rules and Regulations
1100.140	Seal
1100.145	Principal Office
1100.150	Revision
1100.155	Construction; Waiver; Severability

## SUBPART B: FINANCING PROGRAMS

Section	
1100.200	Summary and Purpose
1100.202	Definitions
1100.204	Application Forms
1100.206	Notice to Municipalities
1100.208	Changes in Information and Additional Information
1100.210	Meetings of the Authority
1100.212	Eligible Projects
1100.215	Scheduling of Project Consideration
1100.220	Staff Review
1100.225	Authority Action
1100.230	General Criteria for Approval
1100.235	Additional Criteria for Commercial Projects
1100.240	Submission of Documents

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

1100.245	Public Hearing Procedures and Responsibilities
1100.250	Final Public Approval
1100.255	Requests for Allocation
1100.260	Amendatory Resolutions
1100.265	Bond Counsel on Pooled Bond Issues
1100.270	Program Requirements; Standardized Documents
1100.275	Transcripts
1100.280	Authority Fees
1100.285	Noncompliance and Waiver

## SUBPART C: GOVERNMENTAL UNIT ASSISTANCE PROGRAM

Section	
1100.300	Purposes and Objectives; Compliance with Federal Law; Forms for Program
1100.305	Applicant Eligibility
1100.310	Pre-Filing Stage
1100.315	Filing of Application
1100.320	Approval of Application
1100.325	Denial of Application
1100.330	Priority of Application
1100.335	Source of Payment and Nature of Obligation
1100.340	Fees
1100.345	Purchase of Governmental Unit Bonds

## SUBPART D: ILLINOIS DEVELOPMENT ACTION GRANT PROGRAM

Section	
1100.400	Purpose; Definitions; Incorporation by Reference
1100.405	Eligible Applicants; Eligible Projects
1100.410	Municipal Approval
1100.415	Application Requirements
1100.420	Technical Assistance
1100.425	On-Site Inspection
1100.430	Selection Criteria
1100.435	Deadlines
1100.440	Funding Restrictions and Eligible Costs
1100.445	Grant Agreement
1100.450	Disbursement of Grants
1100.455	Recordkeeping and Access to Information

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

1100.460	Progress Reports
1100.465	Audit Requirements
1100.470	Grant Monitoring and Recovery
1100.475	Project Completion Notice

## SUBPART E: ILLINOIS HOUSING PARTNERSHIP PROGRAM

## Section

1100.500	Purpose; Definitions; Incorporation by Reference
1100.505	Eligible Applicants; Eligible Projects
1100.510	Municipal Approval
1100.515	Application Requirements
1100.520	On-Site Inspection
1100.525	Selection Criteria
1100.530	Deadlines
1100.535	Funding Restrictions and Eligible Costs
1100.540	Loan Agreement
1100.545	Disbursement and Repayment of Loans
1100.550	Loan Terms
1100.555	Recordkeeping and Access to Information
1100.560	Progress Reports
1100.565	Audit Requirements
1100.570	Loan Monitoring and Recovery
1100.575	Project Completion Notice

## SUBPART F: EDUCATIONAL FACILITIES PROGRAM

## Section

1100.600	Introduction
1100.610	Who May Apply for Financing
1100.620	Types of Educational and Cultural Facilities that Can Be Financed
1100.630	Types of Costs that Can Be Financed: Outstanding Debt
1100.640	Application Guidelines
1100.650	Interest Rate on the Authority's Bonds
1100.660	Method of Financing
1100.670	Length of Bond Issue
1100.680	Type of Bond Issue
1100.690	Fees

ILLINOIS FINANCE AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: FARM DEVELOPMENT PROGRAM

- 1100.700 Definitions
- 1100.705 Rules and Guidelines Applicable to Bond Programs under this Subpart
- 1100.710 Bond Programs and Rules Applicable to Each
- 1100.715 Rules and Guidelines Applicable to the Interest Buy Down Program
- 1100.720 Rules and Guidelines Applicable to the Young Farmer Guarantee Program
- 1100.725 Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt
- 1100.730 Rules and Guidelines Applicable to the Specialized Livestock Guarantee Program
- 1100.735 Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries

SUBPART H: FIRE TRUCK REVOLVING LOAN PROGRAM

Section

- 1100.800 Definitions
- 1100.805 Purpose
- 1100.810 Eligible Expenditures
- 1100.815 Loan Application Review
- 1100.817 Funding Criteria and Credit Review Process
- 1100.820 Loan Documents and Servicing
- 1100.825 Repayment Procedures
- 1100.830 Terms and Conditions of Loan Agreement

SUBPART I: AMBULANCE REVOLVING LOAN PROGRAM

Section

- 1100.900 Definitions
- 1100.905 Purpose
- 1100.910 Eligible Expenditures
- 1100.915 Loan Application Review
- 1100.917 Funding Criteria and Credit Review Process
- 1100.920 Loan Documents and Servicing
- 1100.925 Repayment Procedures
- 1100.930 Terms and Conditions of Loan Agreement

1100.TABLE A      Income Limits

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Illinois Finance Authority Act [20 ILCS 3501].

SOURCE: Recodified from the Illinois Farm Development Authority (8 Ill. Adm. Code 1400), the Illinois Development Finance Authority (14 Ill. Adm. Code 1200, 1210, 1220), the Illinois Educational Facilities Authority (23 Ill. Adm. Code 2310, 2320), and the Illinois Rural Bond Bank (47 Ill. Adm. 400, 410, 420) to the Illinois Finance Authority at 31 Ill. Reg. 12104; amended at 34 Ill. Reg. 497, effective December 23, 2009.

SUBPART H: FIRE TRUCK REVOLVING LOAN PROGRAM

Section 1100.800 Definitions

The following definitions apply in this Subpart:

\_\_\_\_\_ "Applicant" or "Recipient" means a unit of local government, including any municipality, township, township fire department, or special district such as a fire protection district that operates a fire department or provides fire suppression services itself without contracting those services from another entity.

\_\_\_\_\_ "Authority" means the Illinois Finance Authority created by the Illinois Finance Authority Act [20 ILCS 3501] or its successor agency.

"Board" means the governing body of the entity receiving the loan.

\_\_\_\_\_ "Fire Department" means a unit of local government (as defined in Article VII, Section 1 of the Illinois Constitution of 1970 and in 5 ILCS 70/1.28) in Illinois that provides fire suppression within a geographical area.

\_\_\_\_\_ "Fire Truck" means an emergency vehicle identified as a pumper, ladder, truck, elevating platform, rescue truck, tanker, brush truck, or squad truck.

\_\_\_\_\_ "Fund" means the Fire Truck Revolving Loan Fund.

\_\_\_\_\_ "OSFM" means the Office of the State Fire Marshal.

\_\_\_\_\_ "Program" means the Illinois Fire Truck Revolving Loan Program.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

**Section 1100.805 Purpose**

a) OSFM and the Authority shall jointly administer a Program to provide zero-interest loans for the purchase of fire trucks by an applicant. OSFM shall determine loan awards based on equipment needs, financial need, and how recently the applicant has received a previous loan under this Program, supplemented by recommendations from the Authority based on creditworthiness. Loans for the purchase of fire trucks shall not exceed \$250,000 in any single fiscal year to any applicant.

b) Applicants must also have participated in the National Fire Incident Reporting System (NFIRS) for a minimum of the previous two years. For-profit entities, nonprofit entities, associations and/or not-for-profit corporations are not eligible to apply for a loan under this Program. Units of local government that do not operate fire departments are similarly not eligible (e.g., a municipality that contracts for fire suppression from another municipality or fire protection district).

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.810 Eligible Expenditures**

Subject to the availability of funds, loans are available to be made under the Program for zero-interest loans to applicants for the purchase of fire trucks.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.815 Loan Application Review**

a) Applications for loans to be made pursuant to the Program shall be submitted to OSFM on forms provided by, and following the procedures established by, OSFM and the Authority. Each application shall be reviewed by OSFM. OSFM will determine, based on equipment needs, financial need, and how recently the applicant has received a previous loan under this Program, which eligible applicant shall be recommended to the Authority to receive a loan under this Program for the purchase of a fire truck.

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

b) Applications approved by OSFM will be forwarded to the Authority. The Authority will review the loan application and any information provided in connection with the loan application, including, without limitation, financial statements and certifications and assurances provided by officers of the applicant to determine the creditworthiness of the applicant.

c) The Authority, after completion of its review, will notify OSFM of which loan applications have been approved. OSFM will notify each applicant of the approval or disapproval of its application. Applicants who are not approved may appeal the determination of OSFM or the Authority by following the appeal process established by OSFM (see 41 Ill. Adm. Code 290.60).

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.817 Funding Criteria and Credit Review Process**

In addition to the criteria developed by OSFM, the credit review process and funding criteria approved by the Authority for this Program are as follows:

- a) If an applicant is delinquent on a previous fire truck or ambulance loan, it is automatically disqualified from both revolving loan programs (ambulance and fire truck) until it is current on its loan repayment.
- b) Applicants may be eligible for only one revolving loan program loan (ambulance or fire truck) within a given fiscal year.
- c) The applicant must demonstrate its ability to meet at least one of the following minimum debt service coverage requirements:
  - 1) General fund revenues or specified revenue stream: 1.25x; or
  - 2) State intercept revenues: 1.25x; or
  - 3) Direct property levy for the loan: 1.0x.
- d) The applicant must submit supporting documentation for the source of repayment as follows:

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) For general fund or specified revenues, submit a current board-approved budget that reflects the identified revenue source and amount; or
- 2) For direct property tax levy, submit a copy of the levy and the ordinance authorizing the levy prior to funding.
- e) If the applicant's repayment source is property tax receipts, the applicant's actual property tax collections over the past three fiscal years must exceed 95% of the total possible tax collection.
- f) The applicant must provide a resolution or ordinance approved by the applicant's board that includes the following approvals:
  - 1) Loan Application (effective FY10);
  - 2) Loan Agreement;
  - 3) Source and amount of repayment;
  - 4) State intercept agreement; and
  - 5) Lien on the fire truck purchased, if required by the Authority.
- g) Each loan must be secured by the applicant's:
  - 1) General funds or, if available, a direct property tax levy or State revenue intercept; and
  - 2) Possession of the title to the property or an Authority lien on the equipment purchased, if the Authority, in its sole discretion, decides to accept such a lien.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.820 Loan Documents and Servicing**

- a) Loan applications approved by OSFM and the Authority will be submitted to the Authority for documentation and funding. Subject to the availability of

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

funds, the Authority will prepare the loan documentation, including, without limitation, a Loan Agreement to evidence the loan.

b) The loan documentation will be provided to the applicant for execution. Upon execution of the loan documentation, subject to the availability of funds, the Authority will execute the loan documentation and cause the loan to be funded.

c) The Authority will retain the executed loan documents and will service funded loans.

d) The Authority reserves the right to charge an origination/processing fee of up to \$250 per applicant that receives an approved loan.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.825 Repayment Procedures**

a) Loans shall be repaid within 20 years.

b) The rate of interest shall be stipulated on the loan application as 0 percent.

c) Payments on the loan (principal) shall be made by check on an annual basis in 20 equal installments. The Authority will provide invoices to loan recipients on an annual basis.

d) Loan payments shall be due on November 1 of each year.

1) The first payment shall be due as follows:

A) If the time period between the date the loan is funded (the loan funding date) and the immediately following November 1 is 180 days or more, then the first payment shall be due on November 1 immediately following the loan funding date; or

B) If the time period between the loan funding date and the immediately following November 1 is less than 180 days, then the first payment shall be due on the second November 1 immediately following the loan funding date.

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 2) After the first payment is made, succeeding payments shall be due on each November 1 until repaid in full.
- e) Checks shall be made payable to the "Illinois Finance Authority – Fire Truck Revolving Loan Fund" and mailed to the Illinois Finance Authority, Two Prudential Plaza, 180 North Stetson, Suite 2555, Chicago IL 60601.
- f) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent per annum of the payment due; however, the late payment penalty shall be waived when the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period.
- g) An applicant may prepay the balance due on the loan in its entirety, without penalty, on any date, provided that the applicant first contacts the Authority to obtain the total amount of the principal due at that time.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.830 Terms and Conditions of Loan Agreement**

A loan application approved by OSFM and the Authority is subject to the following terms:

- a) Orders for payment will be submitted to the Office of the Comptroller by the Authority according to the terms of Section 1100.825 (Repayment Procedures).
- b) Loan proceeds under this Program shall be used exclusively for the purposes listed in Section 1100.805 and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the applicant, upon written notification from OSFM, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan.
- c) Loan proceeds shall be obligated no later than six months following the receipt of the loan.
- d) Use of loan proceeds shall be accounted for in accordance with Generally Accepted Accounting Principles (Financial Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856, July 1, 2009, no subsequent

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

editions or amendments included). Loan recipients shall submit to OSFM a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by OSFM, shall be due not later than nine months following receipt of the loan.

- e) Loan proceeds shall be included in the applicant's budget.
- f) If the event of a payment default that is not cured within 90 calendar days by payment of the amount owed to the Authority, the Authority shall notify the Office of the Comptroller to deduct the amount owed from any payments by the State to the applicant and the applicant shall be ineligible for additional loans under this Program or Subpart I until it has cured the default by making payment to the Authority of the amount due. OSFM and/or the Authority may avail themselves of all remedies, rights and provisions of law applicable in these circumstances. Failure to exercise any rights or remedies provided by law may not be used as a defense by the applicant in any proceeding brought against it by OSFM or the Authority.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

SUBPART I: AMBULANCE REVOLVING LOAN PROGRAMSection 1100.900 Definitions

The following definitions apply in this Subpart:

"Ambulance" means an on-road vehicle that is specifically designed, constructed or modified and equipped and is intended to be used for and is maintained or operated for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

"Applicant" or "Recipient" means a unit of local government, including any civil township, township fire department, or special district (including but not limited to those described in 55 ILCS 100/1001 and 60 ILCS 1/195-5 and 200-13) such as a fire protection district or special ambulance service district that operates a fire department or provides fire suppression services itself without contracting those services from another entity, or an entity that provides ambulance services or emergency medical services that does not earn and distribute taxable business

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

earnings to shareholders or principals of the business and is in good standing as a not-for-profit business with the Illinois Secretary of State.

"Authority" means the Illinois Finance Authority created by the Illinois Finance Authority Act [20 ILCS 3501] or its successor agency.

"Board" means the governing body of the entity receiving the loan.

"Fire Department" means a unit of local government (as defined in Article VII, Section 1 of the Illinois Constitution of 1970 and in 5 ILCS 70/1.28) in Illinois that provides fire suppression within a geographical area.

"Fund" means the Ambulance Revolving Loan Fund.

"OSFM" means the Office of the State Fire Marshal.

"Program" means the Illinois Ambulance Revolving Loan Program.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.905 Purpose**

a) OSFM and the Authority shall jointly administer a Program to provide zero-interest loans for the purchase of ambulances by an applicant. OSFM shall determine loan awards based on equipment needs, financial need, and how recently the applicant has received a previous loan under this Program, supplemented by recommendations from the Authority based on creditworthiness. Loans for the purchase of ambulances shall not exceed \$100,000 in any single fiscal year to any applicant.

b) For-profit entities are not eligible to apply for a loan under this Program. Units of local government that do not operate fire departments are similarly not eligible (e.g., a municipality that contracts for ambulance services from another municipality or fire protection district).

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.910 Eligible Expenditures**

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

Subject to the availability of funds, loans are available to be made under the Program for zero-interest loans to applicants for the purchase of ambulances.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.915 Loan Application Review**

- a) Applications for loans to be made pursuant to the Program shall be submitted to OSFM on forms provided by, and following the procedures established by, OSFM and the Authority. Each application shall be reviewed by OSFM. OSFM will determine, based on equipment needs, financial need, and how recently the applicant has received a previous loan under this Program, which eligible applicants shall be recommended to the Authority to receive a loan under this Program for the purchase of an ambulance.
- b) Applications approved by OSFM will be forwarded to the Authority. The Authority will review the loan application and any information provided in connection with the loan application, including, without limitation, financial statements and certifications and assurances provided by officers of the applicant to determine the creditworthiness of the applicant.
- c) The Authority, after completion of its review, will notify OSFM of which loan applications have been approved. OSFM will notify each applicant of the approval or disapproval of its application. Applicants who are not approved may appeal the determination of OSFM or the Authority by following the appeal process established by OSFM (see 41 Ill. Adm. Code 290.60).

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.917 Funding Criteria and Credit Review Process**

In addition to the criteria developed by OSFM, the credit review process and funding criteria approved by the Authority for this Program are as follows:

- a) If an applicant is delinquent on a previous fire truck or ambulance loan, it is automatically disqualified from both revolving loan programs (ambulance and fire truck) until it is current on its loan.

ILLINOIS FINANCE AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

b) Applicants may be eligible for only one program loan (ambulance or fire truck) within a given fiscal year.

c) The applicant must demonstrate its ability to meet at least one of the following minimum debt service coverage requirements:

1) General fund revenues or specified revenue stream: 1.25x; or

2) State intercept revenues: 1.25x; or

3) Direct property levy for the loan: 1.0x.

d) The applicant must submit supporting documentation for the source of repayment as follows:

1) For general fund or specified revenues, submit a current board-approved budget that reflects the identified revenue source and amount; or

2) For direct property tax levy, submit a copy of the levy and the ordinance authorizing the levy prior to funding.

e) If the applicant's repayment source is property tax receipts, the applicant's actual property tax collections over the past three fiscal years must exceed 95% of the total possible tax collection.

f) The applicant must provide a resolution or ordinance approved by the applicant's board that includes the following approvals:

1) Loan Application (effective FY10);

2) Loan Agreement;

3) Source and amount of repayment;

4) State intercept agreement; and

5) Lien on the ambulance purchased, if required by the Authority.

g) Each loan must be secured by the applicant's:

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

\_\_\_\_\_ 1) General funds or, if available, a direct property tax levy or State revenue intercept; and

\_\_\_\_\_ 2) Possession of the title to the property or an Authority lien on the equipment purchased, if the Authority, in its sole discretion, decides to accept such a lien.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.920 Loan Documents and Servicing**

\_\_\_\_\_ a) Loan applications approved by OSFM and the Authority will be submitted to the Authority for documentation and funding. Subject to the availability of funds, the Authority will prepare, without limitation, the Loan Agreement to evidence the loan.

\_\_\_\_\_ b) The loan documentation will be provided to the applicant for execution. Upon execution of the loan documentation, subject to the availability of funds, the Authority will execute the loan documentation and cause the loan to be funded.

\_\_\_\_\_ c) The Authority will retain the executed loan documents and will service funded loans.

\_\_\_\_\_ d) The Authority reserves the right to charge an origination/processing fee of up to \$100 per applicant that receives an approved loan.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.925 Repayment Procedures**

\_\_\_\_\_ a) Loans shall be repaid within 10 years.

\_\_\_\_\_ b) The rate of interest shall be stipulated on the loan application as 0 percent.

\_\_\_\_\_ c) Payments on the loan (principal) shall be made by check on an annual basis in 10 equal installments. The Authority will provide invoices to loan recipients on an annual basis.

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- d) Loan payments shall be due on November 1 of each year.
- 4) 1) The first payment shall be due as follows:
- A) If the time period between the date the loan is funded (the loan funding date) and the immediately following November 1 is 180 days or more, then the first payment shall be due on November 1 immediately following the loan funding date; or
- B) If the time period between the loan funding date and the immediately following November 1 is less than 180 days, then the first payment shall be due on the second November 1 immediately following the loan funding date.
- 2) After the first payment is made, succeeding payments shall be due on each November 1 until repaid in full.
- e) Checks shall be made payable to the "Illinois Finance Authority – Ambulance Revolving Loan Fund" and mailed to the Illinois Finance Authority, Two Prudential Plaza, 180 North Stetson, Suite 2555, Chicago IL 60601.
- f) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent per annum of the payment due; however, the late payment penalty shall be waived when the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period.
- g) An applicant may prepay the balance due on the loan in its entirety, without penalty, on any date, provided that the applicant first contacts the Authority to obtain the total amount of the principal due at that time.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

**Section 1100.930 Terms and Conditions of Loan Agreement**

A loan application approved by OSFM and the Authority is subject to the following terms:

- a) Orders for payment will be submitted to the Office of the Comptroller by the Authority according to the terms of Section 1100.925 (Repayment Procedures).

## ILLINOIS FINANCE AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- b) Loan proceeds under this Program shall be used exclusively for the purposes listed in Section 1100.905 and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the applicant, upon written notification from OSFM, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan.
- c) Loan proceeds shall be obligated no later than six months following the receipt of the loan.
- d) Use of loan proceeds shall be accounted for in accordance with Generally Accepted Accounting Principles (Financial Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856, July 1, 2009, no subsequent editions or amendments included). Loan recipients shall submit to OSFM a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by OSFM, shall be due not later than nine months following receipt of the loan.
- e) Loan proceeds shall be included in the applicant's budget.
- f) If the event of a payment default that is not cured within 90 calendar days by payment of the amount owed to the Authority, the Authority shall notify the Office of the Comptroller to deduct the amount owed from any payments by the State to the applicant and the applicant shall be ineligible for additional loans under this Program or Subpart H until it has cured the default by making payment to the Authority of the amount due. OSFM and/or the Authority may avail themselves of all remedies, rights and provisions of law applicable in these circumstances. Failure to exercise any rights or remedies provided by law may not be used as a defense by the applicant in any proceeding brought against it by OSFM or the Authority.

(Source: Added at 34 Ill. Reg. 497, effective December 23, 2009)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:                      Adopted Action:  
140.992    Amendment  
140.994    Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 1, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, 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: July 31, 2009; 33 Ill. Reg. 11174
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 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 agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.3	Amendment	33 Ill. Reg. 1617; January 30, 2009
140.403	New Section	33 Ill. Reg. 1617; January 30, 2009
140.526	Amendment	33 Ill. Reg. 14269; October 16, 2009
140.530	Amendment	33 Ill. Reg. 14269; October 16, 2009
140.860	New Section	33 Ill. Reg. 14269; October 16, 2009

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This rulemaking requires individuals enrolled in the Persons with Disabilities Home and Community-Based Waiver program, and clients 65 years of age and older enrolled in the Persons who are Elderly Home and Community-Based Waiver program, to participate in the Primary Care Case Management (PCCM) Program. The amendments also specify that the maximum number of patients that can enroll with a primary care provider (PCP) shall be set based not only on the number of full-time equivalent (FTEs) physicians, but shall include FTE Advanced Practice Nurses (APNs) or Physician Assistants (PAs) within the site. In addition, the rulemaking provides the Department with the authority to allow a PCP to exceed its panel limit in an area where there is an insufficient number of PCPs to adequately serve the eligible population.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3rd Floor  
Springfield IL 62763-0002

217/782-1233

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination or Revocation on Persons Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

	Suspension or Barring
140.20	Submittal of Claims
140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Sanctioned Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.44	Withholding of Payments Due to Fraud or Misrepresentation
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(Recodified)  
140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section

140.400 Payment to Practitioners  
140.402 Copayments for Noninstitutional Medical Services  
140.405 SeniorCare Pharmaceutical Benefit (Repealed)  
140.410 Physicians' Services  
140.411 Covered Services By Physicians  
140.412 Services Not Covered By Physicians  
140.413 Limitation on Physician Services  
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers  
140.416 Optometric Services and Materials  
140.417 Limitations on Optometric Services  
140.418 Department of Corrections Laboratory  
140.420 Dental Services  
140.421 Limitations on Dental Services  
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items –  
Dentists (Repealed)  
140.425 Podiatry Services  
140.426 Limitations on Podiatry Services  
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry  
(Repealed)  
140.428 Chiropractic Services  
140.429 Limitations on Chiropractic Services (Repealed)  
140.430 Independent Clinical Laboratory Services  
140.431 Services Not Covered by Independent Clinical Laboratories  
140.432 Limitations on Independent Clinical Laboratory Services  
140.433 Payment for Clinical Laboratory Services  
140.434 Record Requirements for Independent Clinical Laboratories  
140.435 Advanced Practice Nurse Services  
140.436 Limitations on Advanced Practice Nurse Services  
140.438 Imaging Centers  
140.440 Pharmacy Services  
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140.442 Prior Approval of Prescriptions  
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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 140.444 Compounded Prescriptions
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- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Providers
- 140.471 Description of Home Health Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
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140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
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## SUBPART E: GROUP CARE

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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	County Contribution to Medicaid Reimbursement
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140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
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140.541	Salaries Paid to Owners or Related Parties
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140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
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140.560	Components of the Base Rate Determination
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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 140.567 Level II Incentive Payments (Repealed)
- 140.568 Duration of Incentive Payments (Repealed)
- 140.569 Clients With Exceptional Care Needs
- 140.570 Capital Rate Component Determination
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- 140.574 Capital Rates for Rented Facilities
- 140.575 Newly Constructed Facilities (Repealed)
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- 140.581 Qualifying as Mandated Capital Improvement (Repealed)
- 140.582 Cost Adjustments
- 140.583 Campus Facilities
- 140.584 Illinois Municipal Retirement Fund (IMRF)
- 140.590 Audit and Record Requirements
- 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
- 140.643 In-Home Care Program
- 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
- 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
- 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
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- 140.651 Decertification of Day Programs
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- 140.680 Effective Date Of Payment Rate
- 140.700 Discharge of Long Term Care Residents
- 140.830 Appeals of Rate Determinations
- 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

SUBPART F: FEDERAL CLAIMING FOR STATE AND  
LOCAL GOVERNMENTAL ENTITIES

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140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities (Repealed)
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
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140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

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140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 140.930 Reimbursement  
140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND  
REIMBURSEMENT EQUITY (ICARE) PROGRAM

## Section

- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)  
140.942 Definition of Terms (Recodified)  
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140.946 Hospital Participation in ICARE Program Negotiations (Recodified)  
140.948 Negotiation Procedures (Recodified)  
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)  
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140.956 Payments to Contracting Hospitals (Recodified)  
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140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)  
140.964 Contract Monitoring (Recodified)  
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140.970 Termination of ICARE Contracts (Recodified)  
140.972 Hospital Services Procurement Advisory Board (Recodified)  
140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)  
140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

## SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

## Section

- 140.990 Primary Care Case Management Program  
140.991 Primary Care Provider Participation Requirements

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.992	Populations Eligible to Participate in the Primary Care Case Management Program
140.993	Care Management Fees
140.994	Panel Size and Affiliated Providers
140.995	Mandatory Enrollment
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## SUBPART J: ALTERNATE PAYEE PARTICIPATION

## Section

140.1001	Registration Conditions for Alternate Payees
140.1002	Participation Requirements for Alternate Payees
140.1003	Recovery of Money for Alternate Payees
140.1004	Conditional Registration for Alternate Payees
140.1005	Revocation of an Alternate Payee
140.TABLE A	Medichek Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg.

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11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections

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140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg.

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17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455,

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effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957,

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effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency

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amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010.

## SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

**Section 140.992 Populations Eligible to Participate in the Primary Care Case Management Program**

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- a) Individuals enrolled in programs administered by the Department under Article V of the Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, or the Veterans' Health Insurance Program Act and not excluded by subsection (b) or (c) of this Section are eligible to participate in the Primary Care Case Management (PCCM) program.
- b) Excluded populations are:
- 1) Individuals covered by Medicare;
  - 2) Children under age 21 receiving Supplemental Security Income (SSI);
  - 3) Department of Children and Family Services (DCFS) wards and individuals participating in the Subsidized Guardianship or Adoption Assistance programs;
  - 4) Children under age 21 covered under the Aid to the Aged, Blind and Disabled (AABD) program;
  - 5) Residents of nursing facilities;
  - 6) American Indian/Alaska natives;
  - 7) Spend-down individuals;
  - 8) Persons enrolled in the following Home and Community Based Services (HCBS) Waiver Programs:~~Home and Community Based (HCBS) waiver enrollees;~~
    - A) Adults with developmental disabilities (DD);
    - B) Residential waiver for children and young adults with DD;
    - C) Support waiver for children and young adults with DD;
    - D) Persons with brain injury;
    - E) Persons with HIV or AIDS;

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- F) Supportive living facilities;
  - G) Persons who are elderly (age 60-64); and
  - H) Children who are medically fragile/technology dependent;
- 9) Individuals in community integrated living arrangements (CILAs);
  - 10) Individuals in presumptive eligibility programs;
  - 11) Refugees;
  - 12) Children, under the age of 21, who are receiving services through a family-centered, community based, coordinated care system that receives grant funds under Section 501(a)(1)(D) of Title V of the Social Security Act or whose care is otherwise managed by the Division of Specialized Care for Children of the University of Illinois at Chicago or the Department;
  - 13) Individuals enrolled in the following programs with limited benefits:
    - A) Illinois Healthy Women;
    - B) All Kids Rebate and FamilyCare Rebate;
    - C) Illinois Cares Rx;
    - D) Transitional Assistance, age 19 or older;
    - E) Emergency Medical Only;
    - F) Hospice; and
    - G) Sexual Assault, Renal, and Hemophilia programs.
- c) Populations already managed are:

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- 1) Individuals with high level Third Party Liability (TPL) private insurance; and
- 2) Individuals in the Program for All-Inclusive Care for the Elderly (PACE) participants.

(Source: Amended at 34 Ill. Reg. 516, effective January 1, 2010)

**Section 140.994 Panel Size and Affiliated Providers**

- a) PCPs may designate to the Department those providers who provide primary care coverage for the PCP's patients when the PCP is unavailable. Providers so designated will not need a referral in order to be reimbursed by the Department for services provided to that PCP's patients.
- b) The Department shall limit the number of patients enrolled with a PCP to 1,800. A PCP practicing with an Advanced Practice Nurse (APN), Physician's Assistant (PA) or Resident may have his or her panel size increased by 900 patients for each Full Time Equivalent APN, PA or Resident in his or her practice. The limit on the number of patients enrolled with a clinic that is allowed to enroll as a PCP shall be based on the number of Full Time Equivalent physicians, [APNs or PAs](#) within the site.
- c) A PCP may limit his or her panel to a specified number of patients less than the maximum number set forth in this Section, may limit that panel to only his or her existing patients or existing patients and their family members, and may limit patients by age or other factors relevant to the scope of his or her practice.
- d) In areas where there is an insufficient number of PCPs to adequately serve the population eligible to enroll in the PCCM program without exceeding the panel limits established in subsection (b), the Department may allow APNs to enroll as PCPs [or allow PCPs to exceed the limit established in subsection \(b\) of this Section](#).
- e) A PCP may decline to have patients auto-assigned to him or her who have not chosen that PCP.

(Source: Amended at 34 Ill. Reg. 516, effective January 1, 2010)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Advance Deposit Wagering (ADW)
- 2) Code Citation: 11 Ill. Adm. Code 325
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
325.10	New Section
325.20	New Section
325.30	New Section
325.40	New Section
325.50	New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: January 1, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 12650; September 18, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 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 letter issued by JCAR? No changes were needed.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes. An emergency rulemaking became effective September 2, 2009 and was published at 33 Ill. Reg. 12860.
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and Purpose of Rulemaking: On May 20, 2009, Senate Bill 1298 was passed by the Illinois General Assembly and on August 25, 2009, Governor Pat Quinn signed the

## ILLINOIS RACING BOARD

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bill into law. This legislation amends the Horse Racing Act allowing an organization licensee to maintain a system whereby advance deposit wagering may take place or to contract with another person or entity to carry out a system of advance deposit wagering.

Advance deposit wagering means a method of pari-mutuel wagering in which an individual may establish an account, deposit money into the account, and use the account balance to pay for pari-mutuel wagering authorized under the Act. An advance deposit wager may be placed in person at a wagering facility or from any other location via a telephone-type device or any other electronic means. An account shall only be established in the name of a natural person and is non-transferable. Natural person means any person at least 18 years of age.

The Board shall require applicants to provide a detailed description and certification of systems and procedures used to validate the identity, age, and jurisdiction of legal residence of account holders and to validate the legality of all wagers accepted. SB 1298 states that the IRB shall adopt rules that reflect the General Assembly's desire to maximize revenues to the State, horsemen's purses, and racetracks.

The Board shall require the applicant to provide the following: a list of all officers, directors and shareholders; full disclosure of financial information; copies of all contracts; a list of all personnel assigned to work in this jurisdiction; and certifications to the Board of reports, customer account detail, wagering transactions, secure retention of records, and a detailed description of systems and procedures used to validate the identity and age of legal account holders. SB 1298 will sunset three years after its effective date.

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

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER a: GENERAL RULES

PART 325  
ADVANCE DEPOSIT WAGERING (ADW)

Section	
325.10	Definitions
325.20	License to Conduct Advance Deposit Wagering
325.30	Advance Deposit Wagering Rules
325.40	Requirements to Establish an Advance Deposit Wagering Account
325.50	Powers of the Board

**AUTHORITY:** Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

**SOURCE:** Emergency rule adopted at 33 Ill. Reg. 12860, effective September 2, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 539, effective January 1, 2010.

**Section 325.10 Definitions**

"Account" means an account for advance deposit wagering with a specific identifiable record of deposits, wagers and withdrawals established by an account holder and managed by the advance deposit wagering licensee.

"Account holder" means an individual who successfully completed an application and for whom the advance deposit wagering licensee has opened an account.

"Advance deposit wagering" or "ADW" means a method of pari-mutuel wagering that is permissible under the Interstate Horseracing Act (15 USC 3001 et seq.) and in which an individual may establish an account with an entity licensed by the Board, deposit money into the account, and use the account balance to pay for pari-mutuel wagers in person, by telephone or through other electronic media, including, but not limited to, the internet.

"Advance deposit wagering licensee" or "ADW licensee" means a person licensed by the Board to conduct advance deposit wagering. An advance deposit wagering

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licensee shall be an organization licensee or a person or third party who contracts with an organization licensee in order to conduct advance deposit wagering.

"Applicant" means an individual who has submitted an application to establish an ADW account with an ADW licensee.

"Confidential information" includes, but is not limited to:

The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account;

The amount of money wagered by a particular account holder on any race or series of races;

The account number and secure personal identification code of a particular account holder;

The identities of particular entries on which the account holder is wagering or has wagered; and

Unless otherwise authorized by the account holder, the name, address and other personal information in the possession of the ADW licensee or organization licensee that would identify the account holder to anyone other than the Board or the advance deposit wagering licensee.

"Credits" means all inflow of money to an account.

"Debits" means all outflow of money from an account.

"Deposit" means a payment of money by cash, check, money order, credit card, debit card or other electronic funds transfers made by an account holder to the account holder's account.

"Individual" means any natural person at least 18 years of age, but does not include any corporation, partnership, limited liability company, trust, estate or other legal entity.

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"Principal residence address" means the street address identified by an applicant or a current account holder as that individual's residential address, as that address may be verified by the advance deposit wagering licensee.

"Proper identification" means a form of identification accepted in the normal course of business to establish that the person making a transaction is an account holder.

"Terms of agreement" means the agreement, approved by the Board, between an advance deposit wagering licensee and an account holder that includes but is not limited to the terms and conditions for deposits, credits, debits, withdrawals and the opening and closing of accounts.

"Withdrawal" means a payment of money from an account by the ADW licensee to the account holder when properly requested by the account holder.

**Section 325.20 License to Conduct Advance Deposit Wagering**

An organization licensee or a person or third party who contracts with an organization licensee in order to conduct ADW shall be licensed by the Board prior to accepting advance deposit wagers from Illinois residents.

- a) No ADW licensee or organization licensee may place or cause to be placed any wagering terminal or electronic device that facilitates the placement of an advance deposit wager anywhere other than in a licensed wagering facility as authorized in Section 26(g) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)].
- b) The advance deposit wagering license application shall include:
  - 1) If a third party is utilized, a copy of the contracts, including the consent of the horsemen's association, to provide ADW services by an ADW operator licensed by the Board to an organization licensee licensed by the Board;
  - 2) A copy of all current ADW, pari-mutuel wagering and gaming licenses, regardless of jurisdiction;
  - 3) A list of all totalisator hub and ADW personnel processing Illinois wagers containing the name, position, job location and licensed jurisdiction for each person (if applicable);

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- 4) A list of all officers, directors, partners and shareholders with a 5% or greater share of ownership or beneficial interest;
  - 5) Full disclosure of all fees and other financial considerations relating to the contract with the organization licensee;
  - 6) A detailed description of procedures to allow the Board prompt access to reports, logs, wagering transaction detail, and customer account detail, in printed form or standard electronic format approved by the Board;
  - 7) A detailed description of systems and procedures used to validate the identity, age and legal residency of account holders and procedures validating the legality of wagers accepted;
  - 8) A detailed description of procedures to allow the Board prompt access to all records relating to customer identification, age and residency in hard copy or standard electronic format acceptable to the Board;
  - 9) A detailed description of procedures to allow the Board prompt access to customer account detail in hard copy or an electronic format acceptable to the Board for customers who are Illinois residents;
  - 10) A description of the secure retention procedures of all records related to wagering and customers accounts for a period of not less than three years or a period specified by the Board;
  - 11) A copy of account holder rules/terms governing the acceptance and management of accounts, and a copy of any amendments in the rules at least 10 days prior to the effective date of those amendments;
  - 12) A bond from a surety company admitted in the State of Illinois or other form of financial security in the amount of \$500,000; and
  - 13) A chart illustrating the organizational structure, including reporting lines.
- c) All employees working on behalf of the ADW licensee shall either be licensed by the Board or licensed by the state where the ADW center is located. In addition,

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key personnel (persons that have the authority to develop or administer policy or to make discretionary decisions) shall be licensed by the Board.

- d) An ADW licensee shall utilize or contract with a Board approved and licensed totalisator system.
- e) An ADW licensee must operate and communicate with the totalisator system in such a way as not to provide or facilitate a wagering advantage based on access to wagering information and methods of processing wagers by ADW account holders relative to persons who wager at racetracks or off track wagering facilities.

**Section 325.30 Advance Deposit Wagering Rules**

- a) The ADW licensee shall notify the patron, at the time of opening the account, of any rules the ADW licensee has made concerning deposits, withdrawals, average daily balance, user fees, interest payments and any other aspect of the operation of the account. The ADW licensee shall notify the patron, whenever the rules governing the account are changed, before the new rules are applied to the account and shall include the opportunity for the patron to close or cash-in the account. The patron shall be deemed to have accepted the rules of account operation upon establishing and maintaining a balance on the account.
- b) The ADW licensee reserves the right at any time and for any reason to refuse to open a patron account, to accept a wager, to accept a deposit, or to close an account.
- c) Each account holder shall provide such personal information as the ADW licensee and the Board require by mail, email or on-line application, including an address to which communications are to be delivered. The ADW licensee shall provide each account holder an account number, username and password to be used by the patron to confirm the validity of every account transaction. Each account holder shall be responsible for keeping his or her username and password confidential and shall be deemed to be aware of the status of that account at all times and responsible for all activity on the account. Wagers shall not be accepted that would exceed the available balance of that account. Any account not updated when a transaction is completed shall be inoperable until the transaction is posted and the account balance updated.

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- d) Account deposits may be made in cash, check, money order, credit card, debit card, other electronic fund transfers, or any other means if permitted by the ADW licensee. As allowable by State and federal law, deposit holding periods will be permitted by the ADW licensee. A receipt for the deposit, in hard copy or electronic format, shall be issued to the account holder, but does not need to reflect the current account balance.
- e) When a customer account is entitled to a payout or refund, monies shall be credited promptly to the respective accounts. The account holder shall verify proper credits and notify the ADW licensee pursuant to the terms of the customer agreement. Unresolved disputes may be forwarded to the Board by the ADW licensee or the account holder. No claim shall be considered by the Board unless submitted in writing and accompanied by supporting evidence.
- f) Account Operation
  - 1) The ADW licensee must maintain complete records of every deposit, withdrawal, wager and winning payout. These records shall be made available to the Board upon request.
  - 2) For account wagers made by telephone, the ADW licensee shall make a voice or data recording of the entire transaction and shall not accept any wager if the voice or data recording system is inoperable. Voice and data recordings shall be retained for not less than 6 months and shall be made available to the Board upon request. In the case of a wager made by telephone, the voice or data recording of the confirmation of the transaction shall be deemed to be the actual wager, regardless of what was recorded by the pari-mutuel system.
  - 3) The ADW licensee shall provide for the account holder's review and verification of a wager before it is accepted by the ADW licensee. Neither the account holder nor the ADW licensee shall change a wager after the account holder has reviewed and verified the wager. All wagering cancellation policies shall be approved by the State Director of Mutuels.
- g) The ADW licensee may close any account with an insufficient balance or dormancy pursuant to the terms of the customer agreement. The ADW licensee shall refund the remaining balance of the closed account to the account holder.

## ILLINOIS RACING BOARD

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**Section 325.40 Requirements to Establish an Advance Deposit Wagering Account**

- a) Accounts shall be established in person or by mail, telephone or electronic media before any wagering shall be conducted. An account shall only be established in the name of an individual and is non-transferable.
- b) Any individual prohibited from wagering by the Board shall be prohibited from establishing an account or placing a wager.
- c) The information required to establish an account shall include:
  - 1) Account holder's full legal name.
  - 2) Principal residence address.
  - 3) Telephone number.
  - 4) Social security number.
  - 5) Identification or certification to prove the account holder is at least 18 years of age.
  - 6) Any other information required by the ADW licensee.
- d) The ADW licensee shall employ electronic verification with respect to each account holder's name, principal residence address, date of birth and social security number at the time of account establishment by a Board-approved, independent, credit reference service or other verification service as approved by the Board. If the verification process fails, using procedures approved by the Board, the ADW licensee may accept physical proof of age, identity and residency through actual documentation.
- e) The ADW licensee may refuse to establish an account if it is found that any of the information supplied is false or incomplete or for any other reason the ADW deems appropriate. An ADW licensee may close accounts for violation of its terms of agreement or any other reason it deems appropriate.
- f) An ADW licensee may cease wagering on any particular race or racetrack.

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- g) The account holder shall designate a means of personal identification verification to use to access his or her account.
- h) An ADW licensee shall designate an account number for each account. The ADW licensee shall inform the account holder of the assigned account number and provide a copy of its ADW procedures, terms and conditions, as well as any information that pertains to the operation of the account.
- i) The ADW licensee shall comply with Internal Revenue Service requirements for reporting and withholding proceeds from advance deposit wagers by account holders and shall send to account holders subject to IRS reporting or withholding a Form W2-G summarizing the information for tax purposes following a winning wager being deposited into an account. Upon written request, the ADW licensee shall provide account holders with summarized tax information on advance deposit wagering activities.
- j) Only Illinois residents who have accounts with an ADW licensee licensed by the Board may engage in advance deposit wagering.

**Section 325.50 Powers of the Board**

- a) The Board shall have unrestricted access to all records and financial information of the ADW licensee, including all account information. This information shall be made available to the Board, by the ADW licensee, upon notice from the Board to the extent that disclosure is not expressly prohibited by law. Board access to and use of information concerning wager transactions and ADW customers shall be considered proprietary and shall not be disclosed publicly, except as may be required by law. This information may be shared for multi-jurisdiction investigative purposes. An ADW licensee shall report to the Board any known or suspected rule violations by any person involving ADW and cooperate in any subsequent investigations.
- b) The following reports shall be available for inspection by the Board upon request:
  - 1) ADW handle;
  - 2) Reports for taxation purposes;
  - 3) Customer complaints;

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- 4) List of active accounts;
- 5) List of excluded persons;
- 6) List of account holders;
- 7) Log of all system accesses; and
- 8) List of all deposits, withdrawals, wagers and winning payouts.

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.5150                      Adopted Action:  
Amendment
- 4) Statutory Authority: 35 ILCS 5/502(f) and 5/1401
- 5) Effective Date of Rulemaking: December 22, 2009
- 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 Department of Revenue's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 12662; September 18, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 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 agreements issued by JCAR? No changes were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes  

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.9900	Amendment	33 Ill. Reg. 17289; December 28, 2009
- 15) Summary and Purpose of Rulemaking: This rulemaking amends 86 Ill. Adm. Code Section 100.5150 to allow partnerships and Subchapter S corporations to claim credits against income tax on behalf of their partners or shareholders who elect to join in a

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composite return. Previously, no credits could be claimed on a composite return, so a partner or shareholder wishing to claim a credit would have to file his or her own return.

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

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

217/782-7055

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

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED 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 and River Edge Redevelopment 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 Section 212)

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

## DEPARTMENT OF REVENUE

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## 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

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After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

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 Section 203(e), (g) and (h))
- 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 and Noncombination Rule Companies
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 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

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for

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Charity (Repealed)

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

## Section

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

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100.3370	Sales Factor (IITA Section 304)
100.3371	Sales Factor for Telecommunications Services
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 for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
100.3405	Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
100.3420	Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500	Allocation and Apportionment of Base Income by Nonresident Partners

## SUBPART M: ACCOUNTING

## Section

100.4500	Carryovers of Tax Attributes (IITA Section 405)
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## 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
100.5070	List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
100.5080	Registration of Tax Shelters (IITA Section 1405.5)

## 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

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100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits on Separate Returns
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180	Composite Returns: Overpayments and Underpayments

## 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
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)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)
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

## DEPARTMENT OF REVENUE

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## 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 and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
- 100.7310 Returns Filed and Payments Made on Annual Basis (IITA Section 704)
- 100.7320 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
- 100.7325 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
- 100.7330 Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
- 100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
- 100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7370 Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)

## 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)

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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

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)

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## SUBPART BB: DEFINITIONS

Section	
100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
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].

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.

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

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effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009.

## SUBPART O: COMPOSITE RETURNS

**Section 100.5150 Composite Return: Tax, Penalties and Interest**

The amount of tax due shall be based on the amount of income properly shown on the return, and, for taxable years ending on or after December 31, 2009, may be reduced by any share of any credit earned under Article 2 of the Illinois Income Tax Code during the taxable year that is passed through to the partners or shareholders joining in the composite return. Penalties and interest shall be determined on a composite basis.

(Source: Amended at 34 Ill. Reg. 550, effective December 22, 2009)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.97                      Adopted Action:  
Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-206(c-5)
- 5) Effective Date of Amendment: December 22, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 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: 33 Ill. Reg. 12685; September 18, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Technical, non-substantive changes were made as suggested by JCAR.
- 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 Amendment: This rulemaking is being amended due to the passage of Public Act 96-607 that allows the Secretary of State to require a remedial education class for persons up to the age of 21, as opposed to the age of 18.
- 16) Information and questions regarding this adopted amendment shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Arlene J. Pulley  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217/557-4462

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

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## NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person Identification Card
1030.92	Restrictions

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- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg.

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12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31

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Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009.

**Section 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege**

- a) The Department shall invalidate a driver's license, permit and/or driving privileges:
  - 1) When the holder voluntarily surrenders the license or permit and declares the intention to do so in writing to the Department;
  - 2) When the Department receives a certified court order indicating the holder is to refrain from driving;
  - 3) Upon the death of the holder; or
  - 4) Upon the entry of a suspension of a driver under the age of ~~21~~ pursuant to IVC Section 6-206(a)(4), (11), (16), (21), (31), (33), (34, prior to 7/30/98), (36), (43, prior to 1/1/09) or (44) and/or IVC Section 11-501.8.
- b) A driver's license or permit invalidated based upon a voluntary surrender under this Section may be reinstated in the same manner as prescribed by IVC Sections 6-114 and 6-115.
- c) A driver's license or permit invalidated under this Section shall nullify the holder's driving privileges.
- d) A license or permit invalidated upon the death of the holder may be released to a relative of the decedent, provided the actual license or permit bears a readily identifiable designation evidencing invalidation. To invalidate a license or permit, a hole shall be punched through the issuance date and the expiration date of the license or permit by an employee of the Secretary of State or a law

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enforcement official.

- e) The Secretary of State employee or a law enforcement official who invalidates a license or permit upon the death of the holder shall make a report of the matter to the Secretary of State on a form provided or approved by the Secretary of State.
- f) Driving privileges invalidated based upon a court order may be reinstated upon receipt of a court order granting reinstatement or an order from the court terminating probation, conditional discharge or court supervision.
- g) A driver whose driving privileges are invalidated pursuant to subsection (a)(4), and whose driving privileges are suspended for six months or longer, may be reinstated upon successful completion of a driver remedial education course, the payment of all reinstatement fees and re-testing under IVC Section 6-109.
- h) A driver whose driving privileges are invalidated pursuant to subsection (a)(4), and whose driving privileges are suspended for less than six months, may be reinstated upon successful completion of a driver remedial education course and the payment of all reinstatement fees.

(Source: Amended at 34 Ill. Reg. 563, effective December 22, 2009)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1040.33	Amendment
1040.52	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-206(c-5); 625 ILCS 5/11-1301
- 5) Effective Date of Amendments: December 22, 2009
- 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in Illinois Register: 33 Ill. Reg. 12692; September 18, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: Technical, non-substantive changes were made as suggested by JCAR.
- 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 Amendments: Section 1040.33 is being amended due to the passage of Public Act 96-72, authorizing the Secretary of State to suspend driving privileges for disabled parking violations. Section 1040.52 is being amended due to the passage of Public Act 96-607 that allows the Secretary of State to require a remedial education class for persons up to the age of 21, as opposed to the age of 18.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Arlene J. Pulley  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217/782-3385

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1040  
CANCELLATION, REVOCATION OR SUSPENSION  
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.46	Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions (Repealed)

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1040.50	Occupational Driving Permit
1040.52	Driver Remedial Education Course
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for Five or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	Suspension for Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
1040.115	Suspension for Theft of Motor Fuel
1040.116	Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153,

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effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009.

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**Section 1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device**

- a) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that the person has committed one or more of the following offenses listed in IVC Section 6-206:
- 1) If the person has knowingly possessed any fictitious or unlawfully altered disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(1), the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 authority was IVC Section 6-206(a)(35)):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12-month Suspension
1 <sup>st</sup> Offense (with open or pending revocation)	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 2) If the person has knowingly issued or assisted in the issuance of, by the Secretary of State or unit of local government, any fictitious disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(2), the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12-month Suspension
1 <sup>st</sup> Offense (with open or pending revocation)	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 3) If the person has knowingly altered any disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(3), the

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Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12-month Suspension
1 <sup>st</sup> Offense (with open or pending revocation)	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 4) If the person manufactures, possesses, transfers, or provides any documentation used in the application process whether real or fictitious, for the purpose of obtaining a fictitious disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(4), the Department shall take the following action pursuant to IVC Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12-month Suspension
1 <sup>st</sup> Offense (with open or pending revocation)	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 5) If the person knowingly provides any false information to the Secretary of State or a unit of local government in order to obtain a disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(5), the Department shall take the following action pursuant to IVC Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12-month Suspension
1 <sup>st</sup> Offense (with open or pending revocation)	Revocation



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Offenses	Action
1 <sup>st</sup> Offense	12-month Suspension
1 <sup>st</sup> Offense (with open or pending revocation)	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 9) If the person knowingly duplicates, manufactures, sells or transfers any fraudulent or stolen disability license plate or parking decal or device in violation of IVC Section 11-1301.6(b)(3), the Department shall take the following action pursuant to IVC Section 6-206(a)(35) (prior to 7/30/98 the authority was IVC Section 6-206(a)(36)):

ACTION TABLE

Offenses	Action
1 <sup>st</sup> Offense	12-month Suspension
1 <sup>st</sup> Offense (with open or pending revocation)	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 10) If the person has knowingly assisted in the duplication, manufacture, sales or transfer of any fraudulent or stolen disability license plate or parking decal or device in violation of IVC Section 11-1301.6(b)(4), the Department shall take the following action pursuant to IVC Section 6-206(a)(35) (prior to 7/30/98 the authority was IVC Section 6-206(a)(36)):

ACTION TABLE

Offenses	Action
1 <sup>st</sup> Offense	12-month Suspension
1 <sup>st</sup> Offense (with open or pending revocation)	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 11) If the person has advertised or distributes a fraudulent disability license plate or parking decal or device in violation of IVC Section 11-1301.6(b)(5), the Department shall take the following action pursuant to IVC Section 6-206(a)(35) (prior to 7/30/98 the authority was IVC Section

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6-206(a)(36)):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12-month Suspension
1 <sup>st</sup> Offense (with open or pending revocation)	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation.

- b) If the person has been convicted of violating IVC Section 11-1301.3(a-1) for the use of a disabled decal or device, who is not the holder or is not transporting the holder or the person who uses the decal or device for privileges granted, the Department shall take the following action pursuant to IVC Section 6-206(a)(42):

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	<u>1-month Suspension if offense occurred prior to 6/1/08 or after 12/31/09</u> <del>1-month Suspension (arrest date prior to 6/1/08)</del>
1 <sup>st</sup> Conviction	<u>No action if the arrest occurred between 5/31/09 and 1/1/10</u> <del>No Action (arrest date 6/1/08 or after)</del>
<u>1<sup>st</sup> Conviction (with open or pending revocation)</u>	<u>Revocation (arrest date prior to 6/1/08 or after 12/31/09)</u>
2 <sup>nd</sup> Conviction	<u>6-month</u> <del>6 months</del> Suspension
2 <sup>nd</sup> Conviction (with open or pending revocation)	Revocation
3 <sup>rd</sup> or subsequent Conviction	Revocation

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- c) The sources of acceptable proof of the offenses described in subsections (a) and (b) are court documents, Department of Vehicle Services applications, Driver Services facility applications, government entity documents and law enforcement correspondence/reports.

(Source: Amended at 34 Ill. Reg. 570, effective December 22, 2009)

**Section 1040.52 Driver Remedial Education Course**

The Secretary of State shall require a driver under the age of ~~21~~<sup>18</sup>, whose driving privileges have been suspended pursuant to IVC Section 6-206(a)(4), (11), (16), (21), (31), (33), (34 prior to 7/30/98), (36), (43 ~~prior to 1/1/09~~), ~~(44)~~ and/or 11-501.8) to successfully complete a driver remedial education course prior to the reinstatement of his/her driving privileges.

(Source: Amended at 34 Ill. Reg. 570, effective December 22, 2009)

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Advance Deposit Wagering (ADW)
- 2) Code Citation: 11 Ill. Adm. Code 325
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
325.60	New Section
325.70	New Section
- 4) Statutory Authority: Implementing and authorized by Section 26(g) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)]
- 5) Effective Date of Emergency Amendments: January 1, 2010
- 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: The emergency rulemaking will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: December 28, 2009
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Illinois Racing Board's central office and is available for public inspection.
- 9) Reason for Emergency: These emergency rules concerning interstate simulcast content and the fees racetracks may charge Illinois advance deposit wagering licensees are being filed pursuant to the enactment of PA 96-762 (SB 1298). Section 325.60 limits the in-state simulcast fee racetracks may charge to 8% and Section 325.70 prohibits an ADW licensee from receiving a signal from any racetrack if it finds that another Illinois advance deposit wagering licensee has been unreasonably denied the same signal.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking implements PA 96-762 that requires all organization licensees to provide their live signal to all advance deposit wagering licensees for a simulcast commission fee not to exceed 6% of the advance deposit wagering licensee's Illinois handle on the organization licensee's signal without prior approval by the Board. The Board may adopt rules under which it may permit simulcast commission fees in excess of 6%. On November 10, 2009, the Board voted unanimously to cap the in-state fee at 8% and prohibit any advance deposit

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY AMENDMENTS

wagering licensee from receiving a signal from any racetrack if it finds that another Illinois advance deposit wagering licensee has been unreasonably denied the same signal.

- 11) Are there any proposed amendments pending on this Part: Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
325.10	New Section	33 Ill. Reg. 12650; September 18, 2009
325.20	New Section	33 Ill. Reg. 12650; September 18, 2009
325.30	New Section	33 Ill. Reg. 12650; September 18, 2009
325.40	New Section	33 Ill. Reg. 12650; September 18, 2009
325.50	New Section	33 Ill. Reg. 12650; September 18, 2009

- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 13) Information and questions regarding these emergency amendments shall be directed to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph  
Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER a: GENERAL RULESPART 325  
ADVANCE DEPOSIT WAGERING (ADW)

## Section

325.10	Definitions
325.20	License to Conduct Advance Deposit Wagering
325.30	Advance Deposit Wagering Rules
325.40	Requirements to Establish an Advance Deposit Wagering Account
325.50	Powers of the Board

[325.60 Fees](#)[EMERGENCY](#)[325.70 Content](#)[EMERGENCY](#)

AUTHORITY: Implementing and authorized by Section 26(g) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)].

SOURCE: Emergency rule adopted at 33 Ill. Reg. 12860, effective September 2, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 539, effective January 1, 2010; emergency amendment at 34 Ill. Reg. 581, effective January 1, 2010, for a maximum of 150 days.

[Section 325.60 Fees](#)[EMERGENCY](#)

[No organization licensee shall provide their live signal to any advance deposit wagering licensee for a simulcast commission fee not to exceed 8% in accordance with Section 26\(g\) of the Illinois Horse Racing Act of 1975 \[230 ILCS 5/26\(g\)\].](#)

(Source: Added by emergency rulemaking at 34 Ill. Reg. 581, effective January 1, 2010, for a maximum of 150 days)

[Section 325.70 Content](#)[EMERGENCY](#)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

The Board may prohibit any advance deposit wagering licensee from receiving a signal from any racetrack if it finds that another Illinois advance deposit wagering licensee has been unreasonably denied the same signal.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 581, effective January 1, 2010, for a maximum of 150 days)

## DEPARTMENT ON AGING

## JANUARY 2010 REGULATORY AGENDA

a) Heading and Code Citations: Community Care Program, 89 Ill. Adm. Code 240

1) Rulemaking:

- A) Description: Part 240 may be amended as necessary to reflect administrative changes relating to copayments owed by participants, the maximum payment levels for services, care coordination, and financial reporting by provider agencies in order to improve the quality of service delivery and fiscal oversight for operating costs under the Community Care Program.
- B) Statutory Authority: 20 ILCS 105/4.01(11) and 20 ILCS 105/4.02
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing these proposed rulemaking projects during the next six months of this year.
- E) Effect on small businesses, small municipalities or not for profit corporations: Service provider agencies will need to determine appropriate implementation measures and provide training for supervisors and direct care workers to ensure compliance with these policy changes under the Community Care Program.
- F) Agency contact person for information:  
  
Karen Alice Kloppe  
Deputy General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue, #100  
Springfield, Illinois 62701-1789  
  
217/785-3346
- G) Related rulemakings and other pertinent information: None

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## JANUARY 2010 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130)
- 1) Rulemaking:
- A) Description: The subject rules will be reviewed and revised to: update language to coincide with revisions to the Health Facilities Planning Act; update standards to reflect changes in the healthcare industry; and eliminate redundancy in requirements and language.
- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]
- C) Scheduled meeting/hearing dates: Health Facilities and Services Review Board Meeting – July 2010
- D) Date agency anticipates First Notice: September 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: The proposed revisions to the Certificate of Need rules will provide updated policies and standards for the review process that are in step with the evolving health care industry.
- F) Agency contact person for information:
- Claire Burman  
Coordinator, Rules Development  
Illinois Health Facilities and Services Review Board  
122 S. Michigan Avenue, 7<sup>th</sup> Floor  
Chicago, IL 60603
- 312/814-8814
- G) Related rulemakings and other pertinent information:
- b) Part(s) (Heading and Code Citations): Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)
- 1) Rulemaking:

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## JANUARY 2010 REGULATORY AGENDA

- A) Description: The subject rules will be reviewed and revised to: update language to coincide with revisions to the Health Facilities Planning Act; update standards to reflect changes in the healthcare industry; and eliminate redundancy in requirements and language.
- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]
- C) Scheduled meeting/hearing dates: Health Facilities and Services Review Board Meeting – November 2010
- D) Date agency anticipates First Notice: December 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: The proposed revisions to the Certificate of Need rules will provide a more concise and better organized review process that is in step with the evolving health care industry.
- F) Agency contact person for information:

Claire Burman  
Coordinator, Rules Development  
Illinois Health Facilities and Services Review Board  
122 S. Michigan Avenue, 7<sup>th</sup> Floor  
Chicago, IL 60603

312/814-8814

- G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citations): Narrative and Planning Policies (77 Ill. Adm. Code 1100)

- 1) Rulemaking:

- A) Description: The subject rules will be reviewed and revised to: update language to coincide with revisions to the Health Facilities Planning Act;

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## JANUARY 2010 REGULATORY AGENDA

update standards to reflect changes in the healthcare industry; and eliminate redundancy in requirements and language.

- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]
- C) Scheduled meeting/hearing dates: Health Facilities and Services Review Board Meeting – November 2010
- D) Date agency anticipates First Notice: December 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: The proposed revisions to the Certificate of Need rules will provide updated policies and standards for the review process that are in step with the evolving health care industry.
- F) Agency contact person for information:
- Claire Burman  
Coordinator, Rules Development  
Illinois Health Facilities and Services Review Board  
122 S. Michigan Avenue, 7<sup>th</sup> Floor  
Chicago, IL 60603
- 312/814-8814
- G) Related rulemakings and other pertinent information:

## DEPARTMENT OF JUVENILE JUSTICE

## JANUARY 2010 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization  
2 Ill. Adm. Code 6100

1) Rulemaking:

- A) Description: This rulemaking is being promulgated to provide information regarding public information, rulemaking, and the Agency's organization.
- B) Statutory Authority: 730 ILCS 5/3-2.5
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator  
Illinois Department of Juvenile Justice
- Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277
- Telephone: 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Freedom of Information, 2 Ill. Adm. Code 6110

1) Rulemaking:

- A) Description: This rulemaking is being promulgated to provide information regarding obtaining access to public records in the possession of the Department.

## DEPARTMENT OF JUVENILE JUSTICE

## JANUARY 2010 REGULATORY AGENDA

- B) Statutory Authority: 730 ILCS 5/3-2.5
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator  
Illinois Department of Juvenile Justice
- Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277
- Telephone: 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Americans with Disabilities Act Grievance Procedures, 4 Ill. Adm. Code 1750
- 1) Rulemaking:
- A) Description: This rulemaking is being promulgated to provide the general public, applicants, employees, and youth with the Americans with Disabilities Act grievance procedures.
- B) Statutory Authority: 730 ILCS 5/3-2.5
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

## DEPARTMENT OF JUVENILE JUSTICE

## JANUARY 2010 REGULATORY AGENDA

D) Date agency anticipates First Notice: On or before July 1, 2010

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

F) Agency contact person for information:

Name: Beth Kiel, Rules Coordinator  
Illinois Department of Juvenile Justice  
Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
Telephone: 217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Public Relations, 20 Ill. Adm. Code 2103

1) Rulemaking:

A) Description: This rulemaking is being promulgated to provide information regarding public relations for the Department.

B) Statutory Authority: 730 ILCS 5/3-7-1 and 5/3-2.5-20

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 2010

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

F) Agency contact person for information:

Name: Beth Kiel, Rules Coordinator

## DEPARTMENT OF JUVENILE JUSTICE

## JANUARY 2010 REGULATORY AGENDA

Address: Illinois Department of Juvenile Justice  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
Telephone: 217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Research and Evaluation, 20 Ill. Adm. Code 2106

1) Rulemaking:

A) Description: This rulemaking is being promulgated to provide information regarding the conducting of research and evaluation studies.

B) Statutory Authority: 730 ILCS 5/3-2-8, 3-2.5-20, and 3-7-1

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 2010

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

F) Agency contact person for information:

Name: Beth Kiel, Rules Coordinator  
Illinois Department of Juvenile Justice  
Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
Telephone: 217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF JUVENILE JUSTICE

## JANUARY 2010 REGULATORY AGENDA

- f) Part(s) (Heading and Code Citation): Reimbursement for Expenses, 20 Ill. Adm. Code 2110
- 1) Rulemaking:
- A) Description: This rulemaking is being promulgated to provide information regarding the reimbursement of expenses.
- B) Statutory Authority: 730 ILCS 5/3-7-6 and 3-2.5-20
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator  
Illinois Department of Juvenile Justice
- Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277
- Telephone: 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Internal Investigations, 20 Ill. Adm. Code 2112
- 1) Rulemaking:
- A) Description: This rulemaking is being promulgated to provide information regarding internal investigations.
- B) Statutory Authority: 730 ILCS 5/3-2.2-20 and 3-7-1

## DEPARTMENT OF JUVENILE JUSTICE

## JANUARY 2010 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator  
Illinois Department of Juvenile Justice
- Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277
- Telephone: 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Rules of Conduct, 20 Ill. Adm. Code 2120
- 1) Rulemaking:
- A) Description: This rulemaking is being promulgated to provide information regarding the rules of conduct for all persons who provide personal services or delivery of services, including Department of Juvenile Justice employees, contractual employees, and volunteers.
- B) Statutory Authority: 730 ILCS 5/3-2.5-20, 3-7-1; 5 ILCS 430/5-15, 10-10, 10-15; 20-70 and 18 USC 922; and 720 ILCS 5/24-3.1(4)
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

## DEPARTMENT OF JUVENILE JUSTICE

## JANUARY 2010 REGULATORY AGENDA

- D) Date agency anticipates First Notice: On or before July 1, 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator  
Illinois Department of Juvenile Justice
- Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277
- Telephone: 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Funds of Youth, 20 Ill. Adm. Code 2205
- 1) Rulemaking:
- A) Description: This rulemaking is being promulgated to provide information regarding the funds of youth.
- B) Statutory Authority: ILCS 5/3-4-3, 3-7-1, and 3-2.5-20
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator  
Illinois Department of Juvenile Justice

## DEPARTMENT OF JUVENILE JUSTICE

## JANUARY 2010 REGULATORY AGENDA

Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
Telephone: 217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Discipline and Grievances, 20 Ill. Adm. Code 2504

1) Rulemaking:

A) Description: This rulemaking is being promulgated to provide information regarding youth discipline and grievances.

B) Statutory Authority: ILCS 5/3-4-3, 3-7-1, and 3-2.5-20

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 2010

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

F) Agency contact person for information:

Name: Beth Kiel, Rules Coordinator  
Illinois Department of Juvenile Justice  
Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
Telephone: 217/558-2200, extension 6507

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 22, 2009 through December 28, 2009 and have been scheduled for review by the Committee at its January 12, 2010 or February 9, 2010 meetings. 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>
2/4/10	<u>Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)</u>	8/7/09 33 Ill. Reg. 11418	1/12/10
2/4/10	<u>Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)</u>	11/6/09 33 Ill. Reg. 14874	1/12/10
2/4/10	<u>Department of Public Health, Illinois Swimming Pool and Bathing Beach Code (77 Ill. Adm. Code 820)</u>	9/11/09 33 Ill. Reg. 12459	1/12/10
2/10/10	<u>Department of Children and Family Services, Placement and Visitation Services (89 Ill. Adm. Code 301)</u>	7/10/09 33 Ill. Reg. 9548	2/9/10
2/10/10	<u>Pollution Control Board, Standards for the Management of Used Oil (35 Ill. Adm. Code 739)</u>	9/11/09 33 Ill. Reg. 12426	2/9/10
2/10/10	<u>Pollution Control Board, Special Waste Classifications (35 Ill. Adm. Code 808)</u>	9/11/09 33 Ill. Reg. 12439	2/9/10
2/10/10	<u>Pollution Control Board, Nonhazardous Special Waste Hauling and the Uniform Program (35</u>	9/11/09 33 Ill. Reg.	2/9/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

	Ill. Adm. Code 809)	12446	
2/10/10	<u>Department of Financial and Professional Regulation</u> , Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320)	10/9/09 33 Ill. Reg. 13966	2/9/10
2/10/10	<u>Department of Veterans' Affairs</u> , Veterans' Scratch-Off Lottery Program (95 Ill. Adm. Code 125)	11/6/09 33 Ill. Reg. 14933	2/9/10

## OFFICE OF THE ATTORNEY GENERAL

## NOTICE OF PUBLIC INFORMATION

NOTICE OF LODGING OF REMEDIAL ACTION CONSENT ORDER AND  
OPPORTUNITY FOR COMMENT

Consistent with Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622, the Illinois Attorney General's Office gives notice that a proposed Remedial Action Consent Order ("Consent Order") in *People of the State of Illinois v. Chevron Environmental Management Company, Case No. 09CH6424*, was lodged with the Circuit Court of Will County on December 22, 2009.

This action against Chevron Environmental Management Company ("Chevron") was brought pursuant to Sections 12(a) and 12(d) and 22.2(f) of the Illinois Environmental Protection Act, 415 ILCS 5/12(a) and (d) and 22.2(f) (2008), and Section 10 of the Oil Spill Responders Liability Act, 740 ILCS 113/10 (2008), and involves a former refinery located at 301 W. Second Street, Lockport, Will County, Illinois ("Site"). In its Complaint, the State of Illinois seeks completion of a remedial action and recovery of response costs incurred and to be incurred by the State at the Site.

Under the proposed Consent Order, Chevron is obligated to implement the remedy approved by the Illinois Environmental Protection Agency ("Illinois EPA") set forth in the On-Site and Off-Site works plans and the Illinois EPA approval letters dated August 8, 2008 and September 18, 2009, found at Appendices B and C to the Consent Order (together "Work Plans"). The On-Site Work Plan is titled: *I&M Canal and Deep Run Creek Remedial Work Plan Supplement, Chevron Environmental Management Company, Former Texaco Lockport Refinery, Lockport Illinois*, dated May 30, 2008. The Off-Site Work Plan is titled: *I&M Canal and Deep Run Creek Remedial Work Plan Supplement, Chevron Environmental Management Company, Former Texaco Lockport Refinery, Lockport, Illinois*, dated May 27, 2009. In general, the Work Plans govern the removal of contaminated sediment from specified portions of the I&M Canal and Deep Run Creek.

The Illinois Attorney General's Office will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Order. Comments should be addressed to Elizabeth Wallace, Supervising Attorney, Environmental Bureau, 69 West Washington Street, 18<sup>th</sup> Floor, Chicago, Illinois 60602, or emailed to [ewallace@atg.state.il.us](mailto:ewallace@atg.state.il.us), and should refer to *People of the State of Illinois v. Chevron Environmental Management Company*, Case No. 09CH6424.

During the public comment period, the proposed Consent Order may be examined at: (1) the Illinois Environmental Protection Agency, 1021 North Grand Avenue East, Springfield Illinois 62794 (an appointment must be made with Jan Ogden, Bureau of Land at (217) 557-2482); (2)

## OFFICE OF THE ATTORNEY GENERAL

## NOTICE OF PUBLIC INFORMATION

the Lockport Public Library, 121 East 8<sup>th</sup> Street, Lockport, Illinois 60441 (*See* Reference Librarian, Public Depository of former Texaco Lockport Refinery, phone number 815-838-0755); and (3) the Will County Circuit Clerk's Office, 14 West Jefferson St., Joliet, IL 60432.

RoseMarie Cazeau  
Chief, Environmental Bureau North

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTOR(S) PROHIBITED FROM AN AWARD  
OF A CONTRACT OR SUBCONTRACT  
FOR PUBLIC WORKS PROJECTS

Pursuant to 820 ILCS 130/11a of the Prevailing Wage Act the Director of the Illinois Department of Labor gives notice that the following contractor or subcontractor has been found to have disregarded its obligations to employees under the Prevailing Wage Act on two (2) separate occasions and that it, or any firm, corporation, partnership or association in which such contractor or subcontractor has an interest, is prohibited from being awarded any contract or subcontract for a public works project:

Sunset Cartage  
8 Prosper Court  
Lake In The Hills, IL 60156  
IDOL Case #2008-PW-DA08-0118  
June 13, 2008 and continuing through June 12, 2010.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor  
Conciliation and Mediation Division  
One West Old State Capital Plaza, Room 300  
Springfield, Illinois 62701-1217

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 34, Issue 2 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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## ORDER FORM

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