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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Role of Residential Educational Facilities Operated by the Illinois Department of Human Services
- 2) Code Citation: 89 Ill. Adm. Code 750
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
750.05	New Section
750.10	Amendment
750.20	Amendment
750.30	Amendment
750.40	Amendment
750.45	New Section
750.50	Amendment
750.60	Amendment
750.100	Amendment
750.110	Amendment
750.120	Amendment
750.200	Amendment
750.210	Amendment
750.220	Amendment
750.230	Amendment
750.250	Amendment
750.300	Amendment
750.310	Repeal
750.330	Repeal
750.400	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10 and 11]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Department of Human Services Residential Educational Facilities and is a result of updating all school rules to insure that language is consistent with current terminology and program practices. The revisions include updating language so it is consistent with current program standards and Illinois State Board of Education (ISBE) requirements; updating School Code references; and providing more detailed and updated information concerning evaluations and surrogate parents or guardians.

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- 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?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes. In Section 750.300, the qualifications, responsibilities and appointment procedures for surrogate parents or guardians shall conform to the requirements of 34 CFR 300.519 and Section 14-8.02a of the School Code [105 ILCS 5/14-8.02a].
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/557-1544
- 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: Reporting of information to home school districts and ISBE

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- C) Types of Professional skills necessary for compliance: Educators at the School for the Deaf and the School for the Visually Impaired are required to have appropriate certifications to teach students at each school.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 750
ROLE OF RESIDENTIAL EDUCATIONAL FACILITIES OPERATED BY THE
ILLINOIS DEPARTMENT OF HUMAN SERVICES

SUBPART A: EDUCATIONAL PROGRAM

Section

- | [750.5](#) [Definitions](#)
- 750.10 Legislative Mandate
- 750.20 Special Education and Related Services
- 750.30 Demonstration Projects and Research Programs
- | 750.40 Responsibility of State ~~Schools~~[School](#)
- | [750.45](#) [Policy and Procedures](#)
- 750.50 Comprehensive Program
- 750.60 Rights and Privileges of Students

SUBPART B: ~~LIMITATION~~[LIMITATIONS](#) OF SERVICES

Section

- 750.100 Legal Authority to Place Students
- | 750.110 Referral of a Student by DHS-[DRS](#)
- 750.120 Home and Hospital Programs

SUBPART C: EVALUATION AND COORDINATION OF SPECIAL EDUCATION

Section

- 750.200 Extent of Fulfilling Responsibilities
- 750.210 Evaluation Focus
- 750.220 Evaluation
- 750.230 Written Reports
- 750.240 Recognition Status
- 750.250 Coordination

SUBPART D: SURROGATE PARENTS [OR GUARDIANS](#)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section

750.300	Need for Surrogate Parents <u>or Guardians</u>
750.310	Withdrawal of Surrogate Parent <u>(Repealed)</u>
750.320	Expenses of Surrogate Parents
750.330	Notification When Surrogate Parent Not Needed <u>(Repealed)</u>

SUBPART E: ADVISORY COUNCILS

Section

750.400	DHS-DRS Residential School Advisory Councils
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AUTHORITY: Implementing and authorized by Sections 10 and 11 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10 and 11].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 12, 1982; codified at 6 Ill. Reg. 13792; amended at 12 Ill. Reg. 5450, effective March 8, 1988; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10240, effective August 10, 1999; amended at 31 Ill. Reg. 5829, effective March 28, 2007; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: EDUCATIONAL PROGRAM

Section 750.5 Definitions

Definitions for this Part can be found at 89 Ill. Adm. Code 751.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 750.10 Legislative Mandate

The Illinois Department of Human Services ~~-Division of Rehabilitation Services (DHS-DRS)~~ ~~(DHS)~~ has the legislative mandate to operate residential educational facilities for children who are deaf or hard of hearing, blind or visually impaired and/or severely physically disabled. ~~have hearing, visual, or physical and health impairments.~~ The State Schools (Schools) operated by DHS-DRS are:

- a) the Illinois School for the Deaf (ISD), 125 Webster Street, Jacksonville;
- b) the Illinois School for the Visually Impaired (ISVI), 658 East State Street,

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NOTICE OF PROPOSED AMENDMENTS

Jacksonville;⁵ and

- c) the Illinois Center for Rehabilitation and Education ([ICRE-R](#)) – Roosevelt, 1950 West Roosevelt Road, Chicago.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.20 Special Education and Related Services

- a) The Schools enroll students from all areas of the State and provide services to eligible students up to the day before the student's 22nd birthday.
- 1) ISD and ISVI provide special education and related services for students from birth to three, preschool and from kindergarten through the 12th grade.
- 2) ICRE-R provides transition, independent living and related services to transition-aged students beginning at age 14½. Younger students may be accepted if it has been determined they can benefit from the ICRE-R program.
- b) Since these Schools do not provide special education programs for all students in the State with auditory processing impairments, or for all students in the State who are deaf or hard of hearing, blind or visually impaired, or severely physically disabled, they should be considered as options in a continuum of special education programs available for those students in Illinois.

~~The State Schools provide special education and related services for students from kindergarten through the twelfth grade and enroll students from all areas of the state. Since these State Schools do not provide special education programs for all the students in the state with auditory, visual or physical and health impairments, they should be considered as options in a continuum of special education programs available for such students in Illinois.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.30 Demonstration Projects and Research Programs

In addition to the core programs at the ~~State~~ Schools, ~~DHS-DRS~~[the Illinois Department of Human Services](#) may develop and operate ~~either~~ short-term, long-term, or time-limited

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demonstration projects or research programs for the purpose of improving available educational opportunities for students with disabilities. These activities may be in conjunction, or in ~~cooperation,~~ with the Illinois State Board of Education (ISBE), local school districts, or other public or private organizations or agencies involved in the provision of services for students with disabilities.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.40 Responsibility of State ~~Schools~~School

The ~~Schools~~State School shall be responsible for providing and maintaining appropriate and effective education programs, at no cost to the ~~students'~~student's parents or guardians, for all enrolled students ~~who are enrolled therein~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.45 Policy and Procedures

- a) The Schools shall develop policies and procedures to address the Schools' compliance with the following requirements:
- 1) the provision of a free appropriate public education;
 - 2) child find;
 - 3) evaluation and determination of eligibility;
 - 4) Individualized Education Plans;
 - 5) students' participation in assessments;
 - 6) serving students in the least restrictive environment;
 - 7) the provision of extended school year services;
 - 8) transition of children served under Part C of the Individuals with Disabilities Education Act into preschool programs;
 - 9) serving students who attend nonpublic schools;

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- 10) procedural safeguards, as outlined in 23 Ill. Adm. Code 226, Subpart F;
 - 11) establishing the goal of full educational opportunity;
 - 12) confidentiality of personally identifiable information; and
 - 13) the use of federal matching funds under the Medicaid (Title XIX) or Children's Health Insurance (KidCare; Title XXI) programs to supplement special education programs and services (if the School is participating in one or more of those federal programs).
- b) Any revision of a set of policies and procedures shall be submitted to ISBE for approval prior to its implementation.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 750.50 Comprehensive Program

Each ~~State~~ School, independently or in cooperation with local school districts or with other agencies, shall provide a comprehensive program of special education for those children who are enrolled in the ~~State~~-School. A comprehensive program shall include:

- a) A viable organizational and financial structure.
- b) Systematic procedures for identifying and evaluating the need for special education and related services.
- c) A continuum of program options that incorporate appropriate instructional programs and related services.
- d) Qualified personnel, consistent with the Personnel Code [20 ILCS 415], who can provide the following services:
 - 1) Administrative services~~Administration of the program.~~
 - 2) Supervision~~Supervisory services.~~
 - 3) Instruction~~Instructional programs.~~

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- 4) Related services.
- 5) Transportation ~~services~~.
- 6) Transition.
- e) Appropriate and adequate facilities, equipment and materials.
- f) Functional relationships with those public and private agencies that can supplement or enhance the special education programs of the ~~Schools~~State School.
- g) Interaction with parents or guardians and with other concerned persons ~~who that~~ facilitate~~facilitates~~ the educational development of ~~exceptional~~ children in special education programs.
- h) Procedures for internal and external evaluation of the special education programs and services.
- i) Continuous planning for program growth and improvement based on internal and external evaluation.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.60 Rights and Privileges of Students

The ~~Schools~~State School shall be responsible for ensuring that ~~those~~ students who are enrolled enjoy rights and privileges equal to those of all other children. The Schools will follow procedures outlined in ISBE's rules for the discipline of students in special education (23 Ill. Adm. Code 226.400)~~State School will not expel a student for behavior or a condition that is, or results from, a disability, as defined in the Illinois State Board of Education's rules Special Education (23 Ill. Adm. Code 226.552). Regard shall not be given to whether the disability is the student's primary disability. In the event that a student is expelled for reasons not associated with the student's disability(ies), the State School shall initiate discharge procedures as set out in Case Study Evaluation to Determine Whether a Student is Inappropriately Placed (89 Ill. Adm. Code 827.60).~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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SUBPART B: ~~LIMITATION~~LIMITATIONS OF SERVICES**Section 750.100 Legal Authority to Place Students**

The ~~State~~ Schools do not have the legal authority to place students in other State-operated or private facilities. Placement of students in need of the services of ~~those such~~ facilities is handled by the local school district in accordance with 23 Ill. Adm. Code 226.240 (Determination of Placement) ~~226.410 through 226.460~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.110 Referral of a Student by DHS-DRS

State-Operated or Private Program not Administered by ~~DHS-DRS~~the Department of Human Services (DHS)—

A student whose disabilities are so profound or complex that no special education program offered by the ~~State~~ Schools can adequately or appropriately meet his or /her needs is referred back to the local school district ~~with diagnostic data and recommendations for referral to either another State-operated facility, a private facility or other educational program provided by the local school district.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.120 Home and Hospital Programs

The ~~State~~ Schools do not provide home and hospital programs as defined by ISBE~~the State Board of Education~~ at (23 Ill. Adm. Code 226.300)~~350—226.385~~. A student requiring home and hospital programs shall be returned to the ~~sending~~ local school district for appropriate educational programming.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART C: EVALUATION AND COORDINATION OF SPECIAL EDUCATION

Section 750.200 Extent of Fulfilling Responsibilities

- a) The extent to which the ~~State~~ School is fulfilling its responsibilities to students shall be determined by DHS-DRS and ISBE~~the State Board of Education~~.

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- b) To facilitate ~~thesuch~~ determination, officials of DHS-~~DRS~~ and ~~ISBEthe State Board of Education~~ shall be authorized to examine all necessary documentation in a manner consistent with DHS-~~DRS~~ policies on confidentiality ~~at~~ (89 Ill. Adm. Code 505), including student records.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.210 Evaluation Focus

Evaluation by DHS-~~DRS~~ and ~~ISBEthe State Board of Education~~ shall focus on the ~~Schools'State School's~~ provision of special education services, on each special education cooperative organization of which ~~the Schools are participantsit is a participant~~, and on community resources utilized by the ~~SchoolsState School~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.220 Evaluation

Evaluation of special education programs and services shall be based on all of the following:

- a) A Special Education Services Comprehensive Plan. This plan shall describe the ~~Schools'State School's~~ provision of special education services, ~~theits~~ plan for program involvement, and those factors unique to the individual ~~State~~-School that must be considered in the evaluation. This plan shall be filed with DHS-~~DRS~~ and ~~ISBE~~ using a format supplied by ~~ISBE~~. ~~ISBE shall approve plans that conform to the requirements of this Section, ensure they are consistent with applicable federal and State statutes and regulations, and notify the Schools of any deficiencies that must be remedied before approval will be granted.the State Board of Education and revised at least every 3 years.~~
- b) The Schools' compliance with the policies and procedures set forth in Section 750.45.
- b) ~~Continuous Internal Evaluation. The State School shall develop and implement procedures that assess the extent to which students are being adequately served and the effectiveness of each special education program and service.~~
- e) ~~Recognition Criteria for Special Education. These criteria shall be assessed~~

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~~through an in-depth study conducted on site by a team representing special education of the State Board of Education.~~

- d) ~~Records must be maintained to demonstrate compliance with assurances agreed to in the applications for state and federal funds. These records will be monitored by DHS staff and the State Board of Education staff.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.230 Written Reports

- a) ~~Written reports of the results of the evaluation conducted by ISBE the State Board of Education and any subsequent recommendations or actions shall be provided to the Associate Director of DHS-DRS, the DHS-DRS Education Liaison and the superintendent of the appropriate State School. Reports of the evaluation shall be considered in the public domain. ISBE shall notify the Schools of any deficiencies that must be remedied before approval will be granted.~~
- b) ~~ISBE evaluates special education programs provided by local school districts through a monitoring review process. School districts that participate in the mandated review process and that have students from their districts attending the Schools shall be provided with records and information related to ISBE's special education requirements for local school districts (23 Ill. Adm. Code 226.710).~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.250 Coordination

~~DHS-DRS will continue to coordinate its program and activities for students who are deaf or hard of hearing, blind or visually impaired and/or severely physically disabled/health impaired students with those programs operated or supervised by ISBE the State Board of Education.~~

- a) ~~DHS-DRS will cooperate with ISBE the State Board of Education and will respond to its requests for technical assistance in identifying the need for additional programs for students whose primary disabilities are deaf or hard of hearing, blind or visually impaired and/or severely physically disabled and who also have additional/health impaired students with secondary disabilities.~~
- b) ~~In order to aid the State Board of Education in fulfilling its obligation to~~

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~~coordinate all educational programs for exceptional children, DHS agrees to provide to the State Board of Education by November 1 of each year the names of students with secondary disabilities who were denied admission to the State Schools, together with the reasons for the denial, including a statement of the types of related aids and services the student requires that the State Schools are unable to provide.~~

- b)e) DHS-DRS will cooperate with ~~ISBE~~the State Board of Education in making efforts to identify the statewide need for additional programs or modifications to existing programs for students who are deaf or hard of hearing, blind or visually impaired and/or severely physically disabled~~physical/health impaired students.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART D: SURROGATE PARENTS OR GUARDIANS**Section 750.300 Need for Surrogate Parents or Guardians**

The qualifications, responsibilities and appointment procedures for surrogate parents or guardians shall conform to the requirements of 34 CFR 300.519 and Section 14-8.02a of the School Code [105 ILCS 5/14-8.02a]. In addition, the following requirements shall apply:

- a) When a child who is a ward of the State is placed in a residential facility, a representative of that facility shall submit a request to ISBE for the appointment of a surrogate parent or guardian if the district has not already done so.
- b) ISBE shall appoint a surrogate parent or guardian for each child who requires one, in keeping with the criteria set forth in 34 CFR 300.519(d) and the following requirements:
 - 1) All reasonable efforts shall be made to secure a surrogate parent or guardian whose racial, linguistic and cultural background is similar to the child's.
 - 2) The surrogate parent or guardian shall have been trained by ISBE.
- c) When a surrogate parent or guardian is appointed, ISBE shall provide written notification to the local school district, the individual appointed, and, if applicable, the residential facility, of the name and address of the surrogate parent

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or guardian, the specific responsibilities to be fulfilled, and the length of time for which the appointment is valid.

- d) When a child living in a residential facility no longer requires a surrogate parent or guardian, a representative of the facility shall notify ISBE in writing to that effect. This notification shall include the reason for the withdrawal of the request.
- e) When a surrogate parent's or guardian's appointment is terminated, ISBE shall notify the surrogate parent or guardian, the local school district, and, if applicable, the residential facility.

~~The State Schools shall make all reasonable attempts to contact the parents of the student who has been referred. If the parents' whereabouts cannot be discovered and the State School has reason to believe that a surrogate parent is needed, the request for the appointment of such a person shall be sent to the State Board of Education, Legal Department, Springfield.~~

- a) ~~The State School shall provide documentation of its efforts to contact the parents.~~
- b) ~~The State School shall provide information on the racial, linguistic and cultural background of the student whose parents' whereabouts cannot be discovered.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 750.310 Withdrawal of Surrogate Parent (Repealed)

~~The State School shall inform the State Board of Education if the student's parent becomes known or available. In such cases the services of the surrogate parent shall be withdrawn.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 750.330 Notification When Surrogate Parent Not Needed (Repealed)

~~If the State Board of Education determines that a surrogate parent is not needed, the State School shall be notified, in writing, regarding this decision. As appropriate, this notification shall indicate the reasons for the decision or direct the State School regarding further action in the matter.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

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SUBPART E: ADVISORY COUNCILS

Section 750.400 DHS-DRS Residential School Advisory Councils

Advisory councils (councils) to the DHS-DRS residential ~~Schools~~schools exist to offer recommendations and advice to the ~~Schools~~schools and to express concerns relative to the educational services provided to children who are deaf, hard of hearing, blind, visually impaired, ~~and/or~~ physically disabled ~~and/or health impaired~~.

- a) Each council's membership shall consist of a maximum of 16 individuals.
 - 1) Ex-officio members are included among the 16 members and they are not eligible to vote or to hold office. The ex-officio members appointed to each council shall consist of:
 - A) the ~~superintendent~~Superintendent of the DHS-DRS residential ~~School~~school;
 - B) the DHS-DRS ~~Assistant~~Director or his or her designee;
 - C) the DHS-DRS Education Liaison; and
 - D) a Student ~~Body/Council~~Representative.
 - 2) As established in each council's bylaws or constitution, the remaining members are elected by the council as follows:
 - A) one-third of the members shall ~~be~~represent parents or guardians of current students;
 - B) one-third of the members shall ~~be~~represent persons with a disability (including school alumni); and
 - C) one-third of the members shall ~~be~~represent professionals in a field related to the disability accommodated by the ~~School~~school (including former employees).
- b) The length of a member's term and the number of terms he or she can serve shall be established in each council's bylaws or constitution. Vacancies shall be filled,

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as they occur, by election of the council. Elections shall be conducted in accordance with procedures established in each council's bylaws or constitution.

- c) Officers shall be elected according to procedures established in each council's bylaws or constitution.
- d) Procedures for removing members who do not attend regularly scheduled meetings or who are deemed not appropriate members of the council shall be established in each council's bylaws or constitution.
- e) Each council shall meet quarterly. Meeting dates shall be scheduled during the first meeting of the new school year.
 - 1) A notice with the quarterly meeting dates, times and locations must be published as required under Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02] and shall be posted on each ~~School's~~ website, as well as on the DHS-DRS website. This information shall also be available at the DHS-DRS Administrative Offices in Springfield and Chicago.
 - 2) Special meetings of each council may be called by the chairperson, or by a quorum of voting members. As required by the Open Meetings Act, a notice must be published at least 48 hours prior to the meeting date and shall include the purpose, agenda, time, date, and location of the meeting. This information shall be posted in the same manner as specified in subsection (e)(1).
 - 3) Meetings are open to the public, except for portions of the meeting that are considered closed for executive session through a majority vote of the quorum present, in accordance with Sections 2 and 2a of the Open Meetings Act.
 - 4) The proceedings of the meetings may be recorded by any person in accordance with Section 2.05 of the Open Meetings Act, which allows any person to record a meeting required to be open unless a witness testifying before the council refuses to testify on the basis that his or her testimony will be broadcast or televised or that motion pictures will be taken during testimony. If a witness objects to recording, the meeting shall not be recorded.

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- 5) The chairperson or his or her designee shall submit written copies of meeting information to the ~~School superintendent~~school Superintendent and other DHS-DRS employees as determined by each council. This information shall include, but not be limited to, the meeting dates, times, locations, agendas, minutes or reports.
- 6) Travel expenses incurred by voting members for regular and special meetings shall be reimbursed according to State travel regulations (80 Ill. Adm. Code 2800 and 3000).
- f) Each council shall develop its own bylaws or constitution. The DHS-DRS ~~Assistant~~ Director shall approve all changes or additions to ensure compliance with federal and State laws and regulations, and shall approve all council procedures to ensure budgetary constraints are recognized and improprieties do not exist.
- g) The ~~superintendent~~Superintendent shall maintain a copy of all documents required by this Part related to his or her ~~School's~~school's council for inspection by anyone and shall provide copies, upon request, in accordance with the Freedom of Information Act [5 ILCS 140] and DHS' FOIA rules (2 Ill. Adm. Code 1176) ~~(Access to Public Records)~~.
- h) The ~~superintendent~~Superintendent shall provide support services (meeting place, clerical assistance, supplies, postage, etc.) and technical assistance whenever possible. The DHS-DRS ~~Assistant~~ Director or his or her designee shall assure that a prompt response, as well as feedback, is provided to each council member through oral and written reports at meetings, correspondence, and the distribution of DHS-DRS plans, reports and other official documents pertaining to the ~~Schools~~schools.
- i) The ~~superintendent~~Superintendent shall attend annually a minimum of 3 of his or her ~~School's~~school's council meetings, with the remaining meeting attended by either the ~~superintendent~~Superintendent or his or her designee. Each council shall have the authority to enter into executive session and conduct discussion without the presence of the ~~superintendent~~Superintendent or his or her designee, when necessary.
- j) ~~The council may advise on the following areas: Areas to be addressed by the councils shall include, but not be limited to:~~

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- 1) education and residential care programs;
- 2) training programs;
- 3) relationships with parents or guardians, families and other interested parties;
- 4) relationships with related agencies (State, federal, local and private);
- 5) followup studies of former students;
- 6) fiscal and budgetary issues;
- 7) physical plant adequacy (buildings, grounds, heating, ucooling, etc.); and
- 8) DHS-DRS programs, policies and issues relative to the School'sschool's interests.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Impartial Due Process Hearing
- 2) Code Citation: 89 Ill. Adm. Code 828
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
828.05	New Section
828.10	Amendment
828.30	Amendment
828.40	Amendment
828.50	Amendment
828.60	Amendment
828.80	Amendment
828.90	Amendment
828.100	Amendment
- 4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)]
- 5) A complete description of the subjects and issues involved: This rulemaking addresses due process hearings for the residential school facilities and is a result of updating all school rules to insure that language is consistent with current terminology and program practices. The revisions include:
 - Under disciplinary appeals, changes "disciplinary officer" to "principal, dean of students or designee" as the individual with whom a parent or guardian should address minor infractions;
 - Changes the term "multi disciplinary conference" to "eligibility review;"
 - Adds the ability to hold hearings via video conference or teleconference;
 - Update School Code references; and
 - Update language so it is consistent with Illinois State Board of Education requirements.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 7) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/785-9772
- 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: Educators at the School for the Deaf and the School for the Visually Impaired are required to have appropriate certifications to teach students at each school.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 828
 IMPARTIAL DUE PROCESS HEARING

Section828.5Definitions

828.10	Scope and Purpose
828.20	General Information
828.30	Disciplinary Appeals
828.40	What May Not Be Appealed
828.50	Impartial Due Process Hearing
828.60	Procedures for Hearing Request
828.70	Denial of Hearing Request
828.80	Rights of the Parties Prior to the Hearing
828.90	Powers and Duties of Hearing Officer
828.100	Decision of the Hearing Officer

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 23 Ill. Reg. 10198, effective August 10, 1999; amended at 37 Ill. Reg. _____, effective _____.

Section 828.5 Definitions

Definitions for this Part can be found at 89 Ill. Adm. Code 751.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 828.10 Scope and Purpose

This Part sets forth the procedures for appealing decisions made by theState Schools and the rights of the students and other involved parties. TheState Schools shall follow the procedures as set forth inby the Illinois State Board of Education's (ISBE) Due Process System at (23 Ill. Adm. Code, Subpart J). If there are any discrepancies between this Part and the rules of ISBEthe State Board of Education, the rules of ISBEthe State Board of Education shall be utilized.

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(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 828.30 Disciplinary Appeals

Disciplinary actions taken as a result of simple infractions listed in the ~~Schools'~~State School's Rights, Responsibilities and Procedures Handbook are not appealable under this Part. This handbook is provided to parents or guardians and students annually. A student or parent or guardian has the right and is encouraged to speak with the principal, dean of students or his or her designee, disciplinary officer or the superintendent concerning minor discipline taken as a result of simple infractions listed in the Schools' Rights, Responsibilities and Procedures Handbook~~89 Ill. Adm. Code 827 Appendix A~~. Minor discipline is appealable in accordance with 89 Ill. Adm. Code~~Section~~ 827.40.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 828.40 What May Not be Appealed

- a) The following matters are not appealable under this Part, but are appealable under the Department of Human Services-Division of Rehabilitation Services (DHS-DRS) appeals rules found at 89 Ill. Adm. Code 510; ~~(Appeals and Hearings)~~.
- 1) Matters concerning sex equity or discrimination on the basis of sex as prohibited by the Illinois School Code [105 ILCS 5/10-22.5 and 27-1] and the Education Amendments of 1972 (20 USC 1681). Matters of sex equity may ultimately be appealed to the State Superintendent of Education.
 - 2) Matters concerning student records as set forth in the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 USC 1232g).
 - 3) Matters concerning Vocational Rehabilitation Services under the federal Rehabilitation Act of 1973, as amended (29 USC 701 et seq.).
- b) The following matters are not appealable under this Part:
- 1) Changes in services or procedures over which DHS-DRS exercises no

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discretion or control.

~~2)e)~~ Issues related to the legality of DHS-~~DRS~~ rules.

~~3)d)~~ Changes in services or procedures that are mandated by federal or State law or regulation.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 828.50 Impartial Due Process Hearing

- a) A parent, guardian or ~~a~~ student may request an impartial due process hearing.
- b) A hearing may be requested for, but not limited to, the following reasons:
- 1) Objection to signing consent for a proposed case study evaluation or initial placement.
 - 2) Failure of the ~~State~~ School, upon request of the parents, guardians, other persons having primary care and custody of the student, the student, or ~~ISBE~~the State Board of Education (State Board), to provide a case study evaluation.
 - 3) Failure of a local school district to consider evaluations completed by qualified professional personnel outside the local school district.
 - 4) Objection to a proposed special education placement, i.e., an initial placement, a continuation of a previous placement, or a change in the placement.
 - 5) Termination of a special education placement.
 - 6) Failure of the ~~State~~ School to provide a special education placement consistent with the finding of the case study evaluation and the recommendations of the Eligibility Review (see 89 Ill. Adm. Code 795)~~multi-disciplinary conference~~.
 - 7) Failure of the ~~State~~ School to provide the least restrictive special education placement appropriate to the student's needs.

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- 8) Provision of special education instructional or resource programs or related services in an amount insufficient to meet the student's needs.
- 9) Recommendation for the graduation of a student.
- 10) Failure of the ~~State~~-School to comply with any provision of this Part.

c) A hearing may be conducted via video conference or teleconference.

d)e) Receipt of a request for an impartial due process hearing shall cause the student to remain in his or her current educational placement, unless a mutual agreement is reached between the parents or guardians and the ~~State~~-School.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 828.60 Procedures for Hearing Request

The ~~State~~-School, the parent or guardian of any student, or the student may request an impartial due process hearing. A ~~parent's or student's~~ request for a hearing by a parent, guardian or student shall be made, in writing, to the superintendent of the ~~State~~-School.

- a) If the ~~State~~-School makes the request, a written request shall be sent ~~in to ISBE~~ to the Illinois State Board of Education, attention Division of Program Compliance, in Springfield, and at the same time a copy shall be sent to the other party. This letter shall include the information set forth in subsections (b)(1)(A), (C) and (D) of this Section.
- b) Within five days after the ~~State~~-School receives a request for a hearing from a parent, guardian or ~~from a~~ student, the ~~State~~-School shall:
 - 1) Send a certified letter to the Division of Program Compliance requesting the appointment of an impartial due process hearing officer. This letter shall be delivered by a means that provides written evidence of the delivery and shall include:
 - A) the name, address and telephone number of the student and the parent or guardian, and of the person making the request for the hearing, if it is someone other than the student, ~~or~~ parent or

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- guardian;
- B) the date on which the request for the hearing was received by the ~~State~~-School;
- C) the nature of the controversy to be resolved;
- D) the primary language spoken by the parents or guardian and student; and
- E) a copy of the ~~parent's~~ request from the parent, guardian or student.
- 2) Send to the person requesting the hearing, by certified mail or other means providing written evidence of delivery, a copy of the letter sent to ~~ISBE~~the State Board.
- A) If the hearing has been requested by someone other than the student's parents or guardians, the ~~State~~-School shall inform the parents or guardians by certified mail of the request and invite them to participate in the proceedings.
- B) Copies of all correspondence pertaining to impartial due process hearings shall be forwarded to the DHS-~~DRS~~ORS Director, who will notify and distribute correspondence to the appropriate administrators and units within DHS-DRS of Educational Services.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 828.80 Rights of the Parties Prior to the Hearing

- a) The parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this Part. The ~~State~~-School shall inform the parents or guardians of any free or low cost legal services that may be available in their area, and of the availability of publicly funded advocacy services.
- b) The parents or guardians may inspect and review all records pertaining to their child and, subject to the provisions of 23 Ill. Adm. Code 375.50 (Student Records), may obtain copies of any such records at their own expense.

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- c) The parents or guardians shall have access to the ~~State~~-School's list of independent evaluators; and may obtain an independent evaluation of their child at their own expense. If acquisition of a completed independent evaluation requires a delay in convening the hearing, the parents or guardians shall request ~~the~~such delay as provided in Section 828.100(c)~~-of this Part~~. The hearing officer shall delay the hearing until ~~such time as~~ the independent evaluation is completed, the report is available, and the opposing party has been afforded, in the judgment of the hearing officer, a reasonable opportunity to review it. The parents or guardians may ask the hearing officer to determine whether an independent evaluation is needed. If the hearing officer concludes, after reviewing the available information, that an independent evaluation is necessary to inform the hearing officer concerning the services to which the student may be entitled, it shall be so ordered and provided at the ~~State~~-School's expense. The hearing officer shall delay the hearing as provided for in this subsection.
- d) Either party to the hearing has the right to the disclosure at least 5~~five~~ days prior to the hearing of any evidence to be introduced.
- e) Either party may compel the attendance of any ~~State~~-School employee at the hearing, or any other person who may have information relevant to the needs, abilities, ~~the~~ proposed program, or ~~the~~ status of the student. At the request of either party, the hearing officer shall issue subpoenas to compel the testimony of witnesses or the production of documents relevant to the case at issue. If any person refuses to comply with a subpoena issued under Section 828.90(e)~~-of this Part~~, court action may be sought as provided in Section 14-8.02a(g) of the School Code [105 ILCS 5].
- f) Either party, or any person participating in the hearing, may request that an interpreter be available during the hearing because one of the participants is deaf or hard of hearing~~hearing impaired~~ and/or uses a primary language other than English. Interpreters~~Such interpreters~~ shall be provided at DHS-DRS expense.
- g) The student's educational placement shall not be changed pending completion of the hearing except as provided in Section 14-8.02a(j) of the School Code.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 828.90 Powers and Duties of Hearing Officer

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- a) Once appointed, the impartial due process hearing officer shall not communicate with ~~ISBE~~~~the State Board~~, the ~~State~~ School, or ~~their~~ employees of ISBE or the School concerning the hearing and shall not initiate or participate in any ex parte communications with the parties, except as provided in Section 14-8.02a(g) of the School Code.
- b) The hearing officer shall disclose any actual or potential conflict of interest to the parties upon learning of ~~thesueh~~ a conflict of interest.
- c) The hearing officer shall conduct the hearing and shall have, but not be limited to, the following powers:
- 1) ~~to~~~~Te~~ administer, or to authorize the court reporter to administer, oaths;
 - 2) ~~to~~~~Te~~ examine witnesses;
 - 3) ~~to~~~~Te~~ issue subpoenas;
 - 4) ~~to~~~~Te~~ rule upon the admissibility of evidence;
 - 5) ~~to~~~~Te~~ order independent evaluations;
 - 6) ~~to~~~~Te~~ grant specific extensions of time;
 - 7) ~~to~~~~Te~~ read into the hearing record any stipulations of fact and other matters agreed upon at the pre-hearing conference and to enter into the record any pre-hearing orders; and
 - 8) ~~to~~~~Te~~ render decisions and issue orders and clarifications.
- d) The hearing officer shall comply with applicable timelines established in Section 14-8.02a of the School Code.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 828.100 Decision of the Hearing Officer

- a) Within 10~~ten~~ days after the conclusion of the hearing, the hearing officer shall

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issue a written decision that sets forth the issues in dispute, ~~the~~ findings of fact based upon the evidence and testimony presented, and the hearing officer's conclusions of law and orders. The hearing officer shall determine whether the evidence establishes that the student has needs that require special education services; and, if so, whether ~~thesuch~~ services proposed or provided by the ~~State~~ School are appropriate given the student's identified needs.

- b) The hearing officer's decision shall be sent by certified mail to the involved parties. The decision shall be translated into the native language of the parents ~~or guardians~~ if their primary language is other than English.
- c) The written decision shall be binding upon the parties unless a party aggrieved by the decision commences a civil action as provided in Section 14-8.02a(i) of the School Code. ~~A Such~~ filing of a civil action shall act as a ~~supersedeassupersedes~~, and implementation of the hearing officer's decision shall be stayed pending judicial review.
- d) The hearing decision, if not appealed pursuant to subsection (c) ~~of this Section~~, shall be enforced by the ~~State~~ School.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Laboratory Service Fees
- 2) Code Citation: 77 Ill. Adm. Code 475
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
475.10	Amend
475.12	New
475.20	Amend
475.25	Amend
475.30	Amend
475.50	Amend
- 4) Statutory Authority: Implementing and authorized by Section 2310-90 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-90]
- 5) A Complete Description of the Subjects and Issues Involved: The Department of Public Health laboratories provide testing to support the Department's programs. The Department's laboratories provide these same tests to public health clinics or community based organizations if funding can be obtained and if the surveillance data that would be created is of value to the Department's programs. The use of the Department's laboratories for testing is voluntary.

The rulemaking deletes all tests by name and each test's associated fee and provide for charging fees based on current calculations of costs, including commodity costs, personnel and fringe benefits, building expenses, equipment maintenance and replacement, quality assurance support, information technology applications, and indirect costs. This change will allow the laboratory to collect reimbursement based on current costs that change with commodity and operating costs. It will allow the laboratory to obtain Medicaid reimbursement at current operating costs. The proposed amendments update the fee for returned checks or insufficient payment to cover processing costs.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandates on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Written or e-mail comments may be submitted within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Local Health Departments and Clinics of Community Based Organizations
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional bookkeeping will be required.
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER d: LABORATORIES AND BLOOD BANKS

PART 475
 LABORATORY SERVICE FEES

Section

475.10	Definitions
475.12	Referenced Materials
475.15	Applicability
475.20	Submission of Samples or Specimens
475.25	Fee Schedule
475.30	Statement of Fee Assessment
475.40	Payment of Fees
475.50	Failure to Submit Payment

AUTHORITY: Implementing and authorized by Section 2310-90 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-90].

SOURCE: Adopted and codified at 7 Ill. Reg. 1988, effective January 27, 1983; emergency amendment at 18 Ill. Reg. 15887, effective October 12, 1994, for a maximum of 150 days; emergency expired on March 10, 1995; amended at 20 Ill. Reg. 6958, effective May 5, 1996; amended at 37 Ill. Reg. _____, effective _____.

Section 475.10 Definitions

~~As used in this Part, the terms specified below shall have the meanings ascribed to them in this Part.~~

"Department" means the Department of Public Health.

"Director" means the Director of the Department of Public Health.

"Laboratory" means the Division of Laboratories of the Illinois Department of Public Health, including its Chicago, Springfield and Carbondale Laboratories, and any other site designated by contract to perform Department ~~laboratory~~ [Laboratory](#) services.

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~~"Non-Community Public Water Supply" means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year. Water vending machines are considered non-community public water supplies.~~

~~"Non-Transient Non-Community Public Water Supply" means a non-community public water supply that regularly serves the same 25 or more persons at least 6 months per year.~~

"Person" means:

the State, its agencies and departments, and its officers and employees ~~thereof~~;

any local health department ~~or school district~~, and its officers and employees ~~thereof~~;

~~any entity served by a non-community public water supply, and officers and employees thereof;~~

any grantee or contractor of the Department that agrees to provide services to the Department, or on behalf of the Department, and officers and employees of ~~such~~ a grantee or contractor.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 475.12 Referenced Materials

The following Illinois statutes and administrative rules are referenced in this Part:

- a) Civil Administrative Code of Illinois [20 ILCS 2310]
- b) Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661)
- c) Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)

(Source: Added at 37 Ill. Reg. _____, effective _____)

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Section 475.15 Applicability

- a) This Part is applicable only to diagnostic laboratory tests ~~listed in Section 475.25, (Fee Schedule)~~. This Part does not apply to reference laboratory tests performed ~~free of charge~~~~free of charge~~ by the Department, or to other laboratory analyses ~~historically performed~~ ~~free of charge~~~~free of charge~~ for either the Department or local health departments.
- b) This Part is not applicable to the Department's ~~Laboratory~~~~laboratory~~ screening of newborns for metabolic diseases under the "Newborn Metabolic Screening and Treatment Code" ~~(77 Ill. Adm. Code 661)~~ or ~~to~~ screening of children for elevated blood lead levels under the "Lead Poisoning Prevention Code" ~~(77 Ill. Adm. Code 845)~~. The fees established in this Part are in addition to other ~~Laboratory~~~~laboratory~~ fees established under separate statutory authority for two specific purposes: screening newborns for metabolic diseases under the "Newborn Metabolic Screening and Treatment Code" ~~(77 Ill. Adm. Code 661)~~; and screening children for elevated blood lead levels under the "Lead Poisoning Prevention Code" ~~(77 Ill. Adm. Code 845)~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 475.20 Submission of Samples or Specimens

Each sample or specimen submitted to the Laboratory for any analysis ~~shall~~~~must~~ be delivered or shipped in a container and manner to preserve the sample/specimen from contamination or destruction and ~~to~~ allow it to reach the ~~laboratory~~~~Laboratory~~ in a condition that permits a reliable laboratory analysis.

- a) ~~The~~~~It is the responsibility of the~~ person submitting the sample/specimen ~~shall~~~~to~~ deliver it to the Laboratory or ~~to~~ send it in a package approved by the U.S. Postal Service, or another commercial carrier ~~to be used,~~ for ~~such~~ shipping. Any sample/specimen that is submitted in a package that violates the U.S. Postal Service's guidelines (or another commercial carrier's guidelines if an alternative carrier is used), is damaged in transit, is not received within the prescribed time frame for analysis, or is otherwise received in a condition that does not permit a reliable laboratory analysis, will be discarded. When this occurs, the laboratory result will be reported as ~~indeterminate~~~~indeterminant~~ or unsatisfactory, and the submitter will be notified so that another sample/specimen can be collected and submitted for analysis.

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- b) For those laboratory services offered, the Laboratory ~~will~~ shall provide, upon request, sample/specimen collection materials or devices and mailing containers that meet the U.S. Postal Service regulations.
- c) Prior to delivering or shipping any sample/specimen to the Laboratory, ~~it is the responsibility of~~ the person submitting the sample/specimen ~~shall~~ to confirm ~~with the Laboratory~~ the availability of the desired laboratory service/analysis ~~and to~~ identify which Laboratory ~~site or sites~~ ~~site(s)~~ (e.g., Chicago, Springfield, Carbondale or a contract laboratory site) ~~will~~ perform the desired service/analysis; ~~and to determine to which site the sample/specimen should be submitted.~~ ~~Samples~~ Sample/specimens shall be delivered or sent only to a specific Laboratory site designated as performing the requested laboratory service or to an alternative site agreed to in advance.
- d) ~~The~~ ~~it is the responsibility of the~~ person submitting the sample/specimen ~~shall~~ to pay for the postage or transport fee of the package unless alternative arrangements are made with the Laboratory in advance of mailing or shipping a sample/specimen to the Laboratory.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 475.25 Fee Schedule

The Department ~~will establish~~ ~~has established~~ fees for ~~those diagnostic~~ Laboratory services ~~listed in subsection (b) of this Section.~~

- a) The Laboratory's service fees ~~will, itemized in subsection (b) of this Section, shall~~ not exceed the Department's actual costs to provide the Laboratory's services, and ~~will~~ shall consider the current fees charged by private laboratories, ~~including Medicaid reimbursement rates,~~ for comparable services. The Department's actual costs to perform the Laboratory's services ~~and for reimbursement by Medicaid~~ ~~will~~ shall include the costs of Laboratory personnel, materials and equipment; the Laboratory's data processing, quality control and support costs (e.g., facility-related costs, postage, telephones, supervision, etc.); any Laboratory marketing sales cost; and other Department costs outside the Laboratory but necessary to support the Laboratory's services (e.g., personnel and financial management costs). The Laboratory's actual costs per unit of service are integrally dependent upon the current technology used to perform laboratory analyses, the test volumes

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for each ~~Laboratory~~laboratory service, and the unit cost of the materials or chemicals/reagents. ~~Because these actual costs per unit of service are subject to change, every effort will be made to review and update the Laboratory's fees on a regular (e.g., biennial) basis.~~

b) Each person who submits to the Laboratory any sample or specimen for any of the following laboratory analyses shall pay the indicated fee:

1) Except as provided in subsections (b)(1)(A) and (B) of this Section (in which case the service is free), the fees for the analysis of drinking water are:

For the detection of total coliforms and Escherichia coli (presence/absence), by a Chromogenic Substrate Coliform Test, following "Standard Methods for the Examination of Water and Wastewater, 19th Edition", published by the American Public Health Association, American Water Works Association, and Water Environment Federation, 1015 Fifteenth Street, Washington, D.C. 20005 (1995) \$7.00 per sample

For the detection of nitrate/nitrite levels, by USEPA Method 353.2, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (August 1993) \$6.00 per sample

For the combined detection of coliform and nitrates/nitrites, the methods cited in this subsection (b)(1) \$12.00 per sample

A) unless the sample is submitted for a non-community public water supply; or

B) unless the sample is submitted by a local health department that has entered into a potable water program agreement with the Department or submitted by a Department employee on behalf of a

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~~resident of a jurisdiction without any local health department, and under at least one of the following circumstances:~~

- ~~i) for a new water well that has been inspected by the local health department or Department employee;~~
- ~~ii) for a water well serving an infant under six months of age; or~~
- ~~iii) in support of an investigation of a suspected waterborne illness.~~

- 2) ~~For samples submitted by a public or private Illinois school served by an active non-transient non-community public water supply the services shall be free of charge. For samples submitted by any other entity served by an active non-transient non-community public water supply that serves a population of fewer than 100 individuals the fees for the chemical analysis of drinking water for the following contaminants are:~~

~~Inorganics (Metals), by USEPA Method 200.9, following “Methods for the Determination of Metals in Environmental Samples—Supplement I”, EPA-600/R-94-111, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (May 1994)~~

Cadmium	\$6.00 per sample
Chromium	\$6.00 per sample
Copper	\$5.50 per sample
Lead	\$5.50 per sample

~~Herbicides, by USEPA Method 515.1, following “Methods for the Determination of Organic Compounds in Drinking Water”, EPA-600/4-88-039, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (July 1991)~~

~~\$117.00 per sample~~

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~~Pesticides (chlorinated hydrocarbons and organophosphates), by USEPA Method 508, following "Methods for the Determination of Organic Compounds in Drinking Water", EPA-600/4-88-039, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (July 1991) \$81.00 per sample~~

~~Volatile Organic Compounds, by USEPA Method 524.2, following "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II", EPA-600/R-92-129, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (August 1992) \$146.00 per sample~~

~~For laboratory services specified in this subsection, the Department will only accept samples from entities served by an active non-transient non-community public water supply that serves a population of fewer than 100 individuals, except for public or private Illinois school.~~

- 3) ~~Unless the specimen is submitted by a Department-funded HIV counseling and testing site or unless such analysis is requested as part of an HIV seroprevalence study that is funded or approved by the Department (in which case the service is free), the fees for analyses of a blood specimen are:~~

~~For the presence of Human Immunodeficiency Virus (HIV) antibodies, using an enzyme-linked immunosorbent assay (ELISA) test with confirmatory Western blot test (if necessary) \$8.00 per specimen~~

~~For the enumeration of CD4 lymphocytes using flow cytometry technology \$91.00 per specimen~~

- 4) ~~Unless the sample/specimen is submitted by a health care provider (including local health department clinics) designated annually by the~~

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~~Department's Division of Infectious Diseases as serving a population with a high incidence of sexually transmitted diseases and exempt from the following laboratory fees (in which case the service is free), the fees for analysis for the presence of the following sexually transmitted diseases are:~~

~~Chlamydia trachomatis and Neisseria gonorrhea, same swab (GenProbe) \$12.50 per specimen~~

~~Syphilis serology (RPR and FTA) \$6.50 per specimen~~

5) ~~Except for samples/specimens submitted by the Chicago Department of Public Health (in which case the service is free), the fee for pap smear analysis (cytology) shall be:~~ \$11.50 per specimen

6) ~~The fees for the following services are:~~

~~Hydrocarbons (volatile and extractable) for drinking water, by USEPA SW846 Method 8000A, following "Test Methods for Evaluating Solid Waste—Physical/Chemical Methods (SW846), Revised Update II", published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (September 1994) \$349.00 per sample~~

~~Prenatal screening panel, which includes testing for Hepatitis, HIV, Rubella and Syphilis \$31.00 per patient~~

~~Alpha fetoprotein screening \$21.00 per specimen~~

b)e) The Director may reduce any ~~established fee~~ of the fees listed in subsection (b) of ~~this Section~~, pursuant to a written agreement, executed prior to submission of the sample/specimen, between the Department and the person to be submitting the sample/specimen. Examples of instances ~~in which~~ when reduced service fees may be considered include, but are not limited to: ~~when~~

1) the samples/specimens from, or test volumes for, one submitter will be very large; ~~when~~

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- 2) a large one-time advance payment for all services is desired; and ~~where~~
- 3) the Department is participating in a special study requiring laboratory analysis.

~~c)d)~~ The Director may waive any ~~Laboratory of the standard laboratory~~ fees ~~prescribed in subsection (b) of this Section~~ when the sample/specimen is submitted by Department staff (to support Department programs or services), another State agency, or any unit of local government, ~~provided the fee waiver is requested in writing and approved by the Director in writing prior to submission of the sample/specimen.~~

~~d)e)~~ The Director may enter into a written agreement with any governmental unit (contained within the definition of person) to provide ~~Laboratory additional laboratory~~ services ~~beyond those listed in this Part.~~ ~~The Such~~ agreement ~~will shall~~ specify any conditions established for the submission of samples/specimens and the fees for ~~thesueh~~ services.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 475.30 Statement of Fee Assessment

- a) Fees for ~~Laboratory laboratory~~ analyses shall be paid prior to services being provided, unless prior arrangements are made with the Department to bill the person submitting the sample/specimen.
- b) For persons with approval from the Department to submit samples/specimens without advance or accompanying payment, statements of fee assessment ~~will shall~~ be mailed or otherwise delivered to persons submitting samples for analysis monthly or quarterly as determined by the Director, depending on the number of samples or other circumstances unique to the testing.
- c) Receipt of statements of fee assessment ~~will shall~~ be presumed.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 475.50 Failure to Submit Payment

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- a) Unless prior arrangements have been made with the Department to bill the submitter for ~~Laboratory~~laboratory services rendered, the Laboratory may refuse to accept or may discard any sample/specimen that is not accompanied by the required service fee.
- b) For local health departments and other persons approved to submit samples/specimens without advance or accompanying payment, failure to submit~~of~~ full payment within two months after~~of~~ assessment shall be grounds for the Department to refuse future samples/specimens.
- c) The fee for a dishonored negotiable instrument, including, but not limited to, returned checks or insufficient payment, will~~shall~~ be \$10.00~~\$35~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Animal Population Control Code
- 2) Code Citation: 77 Ill. Adm. Code 996
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
996.100	New
996.200	New
996.300	New
996.400	New
996.500	New
996.600	New
996.700	New
996.800	New
996.900	New
996.1000	New
- 4) Statutory Authority: Illinois Public Health and Safety Animal Population Control Act [510 ILCS 92]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking addresses how the Department will administer the Illinois Public Health and Safety Animal Population Control Program, established under the Illinois Public Health and Safety Animal Population Control Act [510 ILCS 92]. This program provides low-cost dog or cat sterilizations for eligible owners of companion animals and eligible managers of feral cat colonies.

This proposed rulemaking specifies the required proof of eligibility for the program, the format and content of program forms, and the pre-surgical immunizations covered by the program. This proposed rulemaking also describes how the Pet Population Control Fund will be administered and how the fines imposed under the Act will be used.
- 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

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge any State mandate for any unit of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed rulemaking affects veterinarians or veterinary clinics licensed under the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]. Any Illinois veterinarian may voluntarily participate in the program and will be reimbursed for dog or cat sterilization procedures, for examinations, and for pre-surgical immunizations.
- B) Reporting, bookkeeping or other procedures required for compliance: Participating veterinarians must submit itemized invoices to the Department for all sterilization procedures performed under the program.
- C) Types of professional skills necessary for compliance: Participating veterinarians must be licensed under the Veterinary Medicine and Surgery Practice Act of 2004.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 996
ANIMAL POPULATION CONTROL CODE

Section	
996.100	Definitions
996.200	Referenced Materials
996.300	Eligibility to Participate
996.400	Application Requirements and Proof of Eligibility
996.500	Application Forms
996.600	Veterinarian Participation
996.700	Co-payment and Reimbursement
996.800	Immunizations
996.900	Administration of the Pet Population Control Fund
996.1000	Enforcement and Fines

AUTHORITY: Implementing and authorized by the Illinois Public Health and Safety Animal Population Control Act [510 ILCS 92].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 996.100 Definitions

"Act" means the Illinois Public Health and Safety Animal Population Control Act [510 ILCS 92].

"Companion animal" means any domestic dog (canis lupus familiaris) or domestic cat (felis catus). (Section 10 of the Act)

"Department" means the Department of Public Health. (Section 10 of the Act)

"Director" means the Director of Public Health. (Section 10 of the Act)

"Feral cat" means a cat that:

DEPARTMENT OF PUBLIC HEALTH

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is born in the wild or is the offspring of an owned or feral cat and is not socialized;

is a formerly owned cat that has been abandoned and is no longer socialized;

or lives on a farm. (Section 2.11b of the Animal Control Act)

"Fund" means the Pet Population Control Fund established in the Act. (Section 10 of the Act)

"Program" means the Illinois Public Health and Safety Animal Population Control Program established by the Department of Public Health. This program provides low-cost dog or cat sterilizations for eligible owners of companion animals and eligible managers of feral cat colonies.

"Veterinarian" means a person licensed to practice veterinary medicine in Illinois under the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115].

Section 996.200 Referenced Materials

Illinois Statutes:

- a) Public Health and Safety Animal Population Control Act [510 ILCS 92]
- b) Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]
- c) Animal Control Act [510 ILCS 5]
- d) Illinois Vehicle Code [625 ILCS 5]
- e) Illinois Income Tax Act [35 ILCS 5]

Section 996.300 Eligibility to Participate

- a) *A resident of this State who owns a companion animal and who is eligible for the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) or the Social Security Disability Insurance Benefits Program (SSDI) shall be eligible to participate in the program if the owner or an individual*

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authorized by the owner *signs a consent form certifying that he or she is the owner of the companion animal or is authorized by the eligible owner to present the companion animal for the procedure.* (Section 25 of the Act)

- b) *A resident of this State who is managing a feral cat colony and who humanely traps feral cats for spaying or neutering and return is eligible to participate in the program provided that the trap, sterilize, and return program is recognized by the municipality or by the county, if the feral cat colony is located in an unincorporated area.* (Section 25 of the Act)
- c) *No dog or cat imported from another state is eligible to be sterilized or vaccinated under this program.* (Section 20 of the Act)

Section 996.400 Application Requirements and Proof of Eligibility

- a) *An owner of a companion animal shall submit an application and proof of eligibility to the Department.* (Section 25 of the Act) An owner may submit applications for no more than two companion animals during any State Fiscal Year (July 1 through June 30). The owner shall complete a separate application for each companion animal.
- b) Only one proof of eligibility is required to be submitted to the Department with the application or applications. The following shall be considered proof of eligibility:
 - 1) A copy of a letter or other documentation from the Illinois Department of Human Services identifying the owner and showing the amount of monthly SNAP benefits received by the owner. The letter or other documentation must be dated no more than 60 days prior to receipt by the Department or must clearly indicate that the owner is eligible for the SNAP benefits for a period including the date of receipt by the Department; or
 - 2) A copy of a letter or other documentation from the Social Security Administration identifying the owner and showing the amount of monthly SSDI benefits to be received by the owner during the current year.
- c) A manager of a feral cat colony shall submit to the Department an application and a copy of a letter from the municipality or county that recognizes the trap,

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sterilize, and return program and identifies the manager of the feral cat colony. The letter must also include the address or a geographic description of the location of the feral cat colony and an estimate of the number of feral cats in the colony. A manager may submit applications for no more than five feral cats during any State Fiscal Year (July 1 through June 30). The manager shall submit a separate application for each feral cat. Only one copy of the letter recognizing the trap, sterilize, and return program is required to be submitted with the application or applications.

- d) The Department will review the application or applications to ensure compliance with this Section.
 - 1) If the application is approved, the Department will affix an approval code, an issue date, and an authorization stamp to the bottom of the application and return the stamped application to the eligible companion animal owner or feral cat colony manager. This stamped application will serve as the eligibility voucher to be presented to a participating veterinarian. The Department will enclose a listing of participating veterinarians with the approved eligibility voucher (see Section 996.600(c)).
 - 2) If the application is not approved, the Department will return the application to the companion animal owner or feral cat colony manager with the reason for denial. Applications that are denied for a lack of proper proof of eligibility may be resubmitted with the proper proof of eligibility and will be reconsidered by the Department.
- e) If the companion animal owner or feral cat colony manager has not presented an eligibility voucher to a participating veterinarian within six months after the issue date, that eligibility voucher is void.
 - 1) The companion animal owner or feral cat colony manager may request a replacement for a void eligibility voucher by returning the void eligibility voucher to the Department, along with a new application. No further proof of eligibility will be required, unless the new application is received more than one year after the issue date of the original eligibility voucher.
 - 2) The Department will review the application for compliance with this Section. If the application is approved, the Department will affix a new approval code, a new issue date, and an authorization stamp to the bottom

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of the new application and return the stamped application to the eligible companion animal owner or feral cat colony manager. The Department will retain the void eligibility voucher.

Section 996.500 Application Forms

- a) Each companion animal owner or feral cat colony manager shall submit an Application/Eligibility Voucher form to the Department. This form includes the consent form (see Section 996.300(a)), the veterinarian certificate for reimbursement (see Section 996.700(c)), and the eligibility voucher (see Section 996.400(d)).
 - 1) The companion animal owner or feral cat colony manager shall include his or her name and address, the type of eligibility claimed (SNAP, SSDI or feral cat colony manager), a description of the animal or animals to be sterilized, and a signature and date on the consent form, which is Part I of the Application/Eligibility Voucher.
 - 2) Upon approval, the Department will affix an approval code, an issue date, and an authorization stamp to Part III of the form. The approved and stamped form is the eligibility voucher (see Section 996.400(d)).
 - 3) After an approved eligibility voucher has been returned, the companion animal owner or feral cat colony manager shall schedule the sterilization procedure with a participating veterinarian. After the sterilization procedure is performed, the veterinarian shall include his or her name, the name and address of the clinic, the date of the sterilization procedure, the specific immunizations administered, and whether a co-payment was received (see Section 996.700) on Part II of the Application/Eligibility Voucher. The veterinarian and the companion animal owner or the feral cat colony manager shall also sign and date Part II of the form, which is the veterinarian's certificate for reimbursement.
- b) Each participating veterinarian shall submit an Application/Agreement to Participate form to the Department.
 - 1) The veterinarian shall include his or her name, the name and address of the veterinary practice, his or her Illinois veterinary medicine license number, and contact information.

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- 2) The veterinarian shall sign and date the Agreement to Participate on the form. This Agreement to Participate details the veterinarian's duties and responsibilities under the Act and this Part.

Section 996.600 Veterinarian Participation

- a) *The sterilization shall be performed by a voluntarily participating veterinarian or veterinary student under supervision of a veterinarian. (Section 25 of the Act)*
- b) *Any veterinarian may participate in the program. A veterinarian shall file with the Department an application/agreement to participate on which the veterinarian shall supply a fee schedule listing the fees charged for dog and cat sterilization, examination, and the pre-surgical immunizations specified in the Act and this Part in the normal course of business. The dog or cat sterilization fee may vary with the animal's weight, sex, and species. (Section 30 of the Act)*
 - 1) The veterinarian application/agreement to participate shall be valid for a period not to exceed three years, with expiration coinciding with the end of a State Fiscal Year (June 30).
 - 2) Within three months before expiration of a veterinarian application/agreement to participate, a veterinarian may continue participation in the program by filing a renewal application/agreement to participate.
- c) The Department will maintain a listing of participating veterinarians and will distribute this listing to companion animal owners or feral cat colony managers with an approved application/eligibility voucher. This listing will include the name, address and phone number of each participating veterinarian.
- d) The Department will *notify all participating veterinarians if the program must be suspended for any period due to a lack of revenue and will also notify all participating veterinarians when the program will resume.* (Section 30 of the Act) All notifications will be by mail, or by e-mail for veterinarians who have provided the Department with e-mail addresses.
- e) *Veterinarians who voluntarily participate in this sterilization and vaccination program may decline to treat feral cats if they choose.* (Section 30 of the Act)

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- f) A veterinarian who chooses to terminate participation in the program shall notify the Department in writing of his or her intent to discontinue participation. The Department will remove that veterinarian's information from the listing of participating veterinarians.

Section 996.700 Co-payment and Reimbursement

- a) *The co-payment for the cat or dog sterilization procedure and vaccinations shall be \$15.* (Section 25 of the Act) The companion animal owner or the feral cat colony manager shall make this co-payment directly to the participating veterinarian.
- b) Based on the fee schedules supplied under Section 996.600, the Department will establish maximum reimbursement rates. These reimbursement rates, which may vary with the animal's weight, sex, and species, will include all costs associated with sterilization, examination, and immunizations. The Department will furnish the established reimbursement rates to all participating veterinarians.
- c) *To receive reimbursement, the veterinarian shall submit to the Department a certificate, which is provided on the application/eligibility voucher. The application/eligibility voucher must have a Department approval code and authorization stamp indicating approval. The veterinarian certificate must be signed by the veterinarian and the companion animal owner or the feral cat colony manager.* (Section 30 of the Act)
- 1) In addition to the certificate, a veterinarian shall submit to the Department an itemized invoice that separately lists charges for the sterilization procedure, the examination fee, and the immunizations administered.
 - 2) The veterinarian shall submit the certificate and itemized invoice to the Department no later than 30 days after the date of the sterilization procedure.
- d) The Department will *reimburse, to the extent that funds are available, participating veterinarians for each dog or cat sterilization procedure administered.* (Section 30 of the Act) Reimbursement will be in the amount of the charges listed on the veterinarian's itemized invoice or the Department's established maximum reimbursement rate, whichever is less. This reimbursement

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will include the examination fees and the pre-surgical immunizations against rabies and other diseases described in Section 996.800.

- e) For any animal sterilized in accordance with the Act and this Part, *there shall be no additional charges to the companion animal owner or feral cat colony manager for examination fees or the pre-surgical immunizations.* (Section 30 of the Act) Any charges not related to the sterilization, examination or pre-surgical immunizations shall be the responsibility of the companion animal owner or the feral cat colony manager.

Section 996.800 Immunizations

For any animal sterilized in accordance with the Act and this Part, a pre-surgical immunization against rabies shall be a reimbursable cost. Reimbursable costs for other pre-surgical immunizations specific to dogs and cats are listed in this Section. The participating veterinarian will decide which immunizations are needed for a specific animal.

- a) For any dog sterilized in accordance with the Act and this Part, reimbursable costs shall include the pre-surgical immunizations against kennel cough (bordetella), canine distemper, hepatitis, parvovirus and parainfluenza.
- b) For any cat sterilized in accordance with the Act and this Part, reimbursable costs shall include the pre-surgical immunizations against feline distemper, feline rhinovirus and feline calicivirus.

Section 996.900 Administration of the Pet Population Control Fund

- a) Funds from the following sources will be deposited into the Pet Population Control Fund, a special fund in the State Treasury:
 - 1) *Public safety fines collected as provided in the Animal Control Act;*
 - 2) *Pet Friendly license plates under Section 3-654 of the Illinois Vehicle Code;*
 - 3) *Section 507EE of the Illinois Income Tax Act;* and
 - 4) *Voluntary contributions.* (Section 45 of the Act)

DEPARTMENT OF PUBLIC HEALTH

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- b) Subject to appropriation, *moneys in the fund shall be used only to sterilize and vaccinate dogs and cats in this State pursuant to the program, to promote the sterilization program, to educate the public about the importance of spaying and neutering, and for reasonable administrative and personnel costs related to the Fund.* (Section 45 of the Act)

Section 996.1000 Enforcement and Fines

- a) *Any person who knowingly falsifies proof of eligibility for or participation in any program under the Act, knowingly furnishes any licensed veterinarian with inaccurate information concerning the ownership of a dog or cat submitted for a sterilization procedure, or violates any provision of the Act or this Part may be subject to an administrative fine of \$500 for each violation.* (Section 40 of the Act)
- b) All fines collected will be deposited into the Pet Population Control Fund and will be used *to educate the public about the importance of spaying and neutering.* (Section 45 of the Act)

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 January 3, 2013 through January 7, 2013 and have been scheduled for review by the Committee at its February 5, 2013 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/17/13	<u>Department of Financial and Professional Regulation</u> , Appraisal Management Company Registration Act (68 Ill. Adm. Code 1452)	9/28/12 36 Ill. Reg. 14466	2/5/13
2/17/13	<u>Teachers' Retirement System of the State of Illinois</u> , The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)	11/16/12 36 Ill. Reg. 16180	2/15/13

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2013 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): General Application (56 Ill. Adm. Code 2712)
- 1) Rulemaking:
- A) Description: The Department is considering rulemaking which would allow it to update a claimant's or an employer's mailing address based on information received from the U.S. Postal Service.
- The Department is considering rulemaking to allow certain notices to be provided electronically.
- B) Statutory Authority: Sections 802, 804, 1510, 1700, 1701 and 1900 of the Unemployment Insurance Act [820 ILCS 405/802, 804, 1510, 1700, 1701 and 1900]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals could save all businesses time by not making them wait for mail deliveries. The rulemaking to allow the Department to update an employer's mailing address based on information from the U.S. Postal Service would potentially affect all businesses.
- F) Agency contact person for information:
- Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street - 9th Floor
Chicago, IL 60603
- 312-793-4240
Gregory.Ramel@illinois.gov
- G) Related rulemaking and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Claims, Adjudication, Appeals And Hearings (56 Ill. Adm. Code 2720)

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2013 REGULATORY AGENDA

1) Rulemaking:

- A) Description: The Department is considering requiring that claimants seeking a dependent child allowance provide the social security number of their youngest child.

The Department is considering rulemaking to elaborate on the means by which individuals can claim benefits.

The Department is considering revising the rule regarding the documentation required of a claimant who files his/her claim in person.

The Department is considering rulemaking which would allow it to update a claimant's or an employer's mailing address based on information received from the U.S. Postal Service.

The Department is considering rulemaking to allow certain notices to be provided electronically.

Pursuant to the authority granted to it by a recent amendment to Section 702 of the Act, the Department is considering rulemaking to require certain larger employers and some employer representatives to file their benefit claim protests electronically.

The Department is considering revisions regarding the grounds for reopening a benefit appeal hearing where a party has failed to appear, for granting a continuance of a benefit appeal hearing and for the Board of Review to remand a case in which the referee has defaulted a party.

- B) Statutory Authority: Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304]
- C) Scheduled meeting/hearing dates: None

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2013 REGULATORY AGENDA

- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals would allow the Department to update any employer's mailing address based on information from the U.S. Postal Service, would give all employers an additional option for receiving certain notices, could require some smaller employer representatives to file claim protests electronically and could alter the benefit appeal process for all parties.
- F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street - 9th Floor
Chicago, IL 60603

312-793-4240
Gregory.Ramel@illinois.gov
- G) Related rulemaking and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Administrative Hearings and Appeals (56 Ill. Adm. Code 2725)
- 1) Rulemaking:
- A) Description: The Department is considering rulemaking to allow certain notices to be provided electronically.
- B) Statutory Authority: Sections 701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305 of the Illinois Unemployment Insurance Act [820 ILCS 405/ 701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305]
- C) Scheduled meeting/hearing dates: None

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2013 REGULATORY AGENDA

- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals would give all employers an additional option for receiving certain notices.
- F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street - 9th Floor
Chicago, IL 60603

312-793-4240
Gregory.Ramel@illinois.gov

- G) Related rulemaking and other pertinent information: None

d) Part(s) (Heading and Code Citation): Notices, Records, Reports (56 Ill. Adm. Code 2760)

1) Rulemaking:

- A) Description: The Department is considering providing that refunds of overpaid contributions be made only by electronic funds transfer.
- B) Statutory Authority: Sections 204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208 of the Unemployment Insurance Act [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposal would save all businesses time by not making them wait for mail deliveries.

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2013 REGULATORY AGENDA

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street - 9th Floor
Chicago, IL 60603

312-793-4240
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G) Related rulemaking and other pertinent information: Nonee) Part(s) (Heading and Code Citation): Payment Of Unemployment Contributions, Interest And Penalties (56 Ill. Adm. Code 2765)1) Rulemaking:

A) Description: The Department is considering rulemaking to construe a recent amendment to Section 706 of the Unemployment Insurance Act penalizing employers whose failure to provide timely information to the Department under certain circumstances results in benefit overpayments.

B) Statutory Authority: Sections 212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposal would clarify statutory provisions potentially affecting all businesses.

F) Agency contact person for information:

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2013 REGULATORY AGENDA

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G) Related rulemaking and other pertinent information: None

f) Part(s) (Heading and Code Citation): Determination of Unemployment Contributions (56 Ill. Adm. Code 2770)

1) Rulemaking:

A) Description: Effective for years subsequent to 2012, the Department will revise Section 2770.101(a)(2) to reflect the new version of the North American Industry Classification System Manual it will use to calculate average contribution rates by industrial classifications.

B) Statutory Authority: Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed rulemaking would not be expected to have any impact on employers.

F) Agency contact person for information:

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DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2013 REGULATORY AGENDA

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G) Related rulemaking and other pertinent information: Noneg) Part(s) (Heading and Code Citation): Payment of Benefits (56 Ill. Adm. Code 2830)1) Rulemaking:A) Description: The Department is considering revising the rules regarding the mailing of benefits checks given the advent of electronic payments.B) Statutory Authority: Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701]C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: March 2013E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed rulemaking should have no impact on employers.F) Agency contact person for information:

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G) Related rulemaking and other pertinent information: None

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

a) Part: General Provisions (89 Ill. Adm. Code 101)1) Rulemaking:

- A) Description: Proposed amendments are anticipated to implement P.A. 97-0689. Effective July 1, 2012, State support for medical benefits under General Assistance was eliminated entirely. Further, the rulemaking clarifies fraud and abuse reporting as well as, clarifies the name of the responsible State agency. Emergency rules were filed with the Secretary of State Index Department on June 30, 2012.
- B) Statutory Authority: 305 ILCS 5/5-4.2 of the Public Aid Code, Section 12-13 of the Public Aid Code [305 ILCS 5/12-13] and P.A. 97-0689
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

Jeanette Badrov
General Counsel
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

b) Part: Practice in Administrative Hearings (89 Ill. Adm. Code 104)

1) Rulemaking:

A) Description: A proposed amendment is anticipated to clarify payment procedures for alternate payees. Further, addresses the reasonable concerns of applicable providers and alternate payees, while implementing the enhanced screening and verification mandates of the SMART Act. Emergency rules were filed with the Secretary of State Index Department on June 30, 2012.

B) Statutory Authority: 305 ILCS 5/5-4.2 of the Public Aid Code, Section 12-13 of the Public Aid Code [305 ILCS 5/12-13] and P.A. 97-0689

C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: Nonec) Part: Medical Assistance Programs (89 Ill. Adm. Code 120)1) Rulemaking:

- A) Description: Proposed amendments are anticipated to implement P.A. 97-0689. The statute, as of July 1, 2012, terminates FamilyCare eligibility for caretaker relatives that have income over 133% of the federal poverty level and authorizes the tapering of the long term care asset testing policy for individuals who seek to utilize institutional services. Emergency rules were filed with the Secretary of State Index Department on June 30, 2012.
- B) Statutory Authority: 305 ILCS 5/5-4.2 of the Public Aid Code, Section 12-13 of the Public Aid Code [305 ILCS 5/12-13] and P.A. 97-0689
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None2) Rulemaking:

- A) Description: Proposed amendments are anticipated to extend benefits under the State's medical assistance programs to persons aged 19 or older, but younger than 65 who are otherwise not eligible for medical assistance under the Code, who qualify for medical assistance under specified provisions of the Social Security Act, and who have income at or below 133% of the federal poverty level, plus 5% for the applicable family size.
- B) Statutory Authority: 305 ILCS 5/5-4.2 of the Public Aid Code
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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G) Related rulemakings and other pertinent information: Noned) Part: Children's Health Insurance Program (89 Ill. Adm. Code 125)1) Rulemaking:

- A) Description: Proposed amendments are anticipated to implement P.A. 97-0689. Effective July 1, 2012, FamilyCare eligibility has been limited to individuals in families with income at or below 133% of the federal poverty level as established in 89 Ill. Adm. Code 120.32. The rulemaking also makes name changes to avoid inadvertent establishment of provisions, necessary to implement the SMART Act, which could be construed as conflicting with other Parts in Title 89. Emergency rules were filed with the Secretary of State Index Department on June 30, 2012.
- B) Statutory Authority: 305 ILCS 5/5-4.2 of the Public Aid Code, Section 12-13 of the Public Aid Code [305 ILCS 5/12-13] and P.A. 97-0689.
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

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- G) Related rulemakings and other pertinent information: None
- e) Part: Medical Payment (89 Ill. Adm. Code 140)
- 1) Rulemaking:
- A) Description: A proposed amendment is anticipated that adds language, which provides certain classified employers, who are eligible to participate in the State's Medical Assistance Program, may be designated as an alternate payee by an individual practitioner who is employed by the payee.
- B) Statutory Authority: 305 ILCS 5/12-13.1
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

2) Rulemaking:

- A) Description: Proposed amendments are anticipated to implement P.A. 97-0689. The proposed amendments implement changes, improvements and efficiencies that will enhance Medicaid Program integrity to prevent client and provider fraud; impose controls on use of Medicaid services to prevent over-use or waste; expand cost sharing by clients; and make rate adjustments and reductions to update rates and/or reflect budget realities. Emergency rules were filed with the Secretary of State Index Department on June 30, 2012.
- B) Statutory Authority: 305 ILCS 5/5-4.2 of the Public Aid Code, Section 12-13 of the Public Aid Code [305 ILCS 5/12-13] and P.A. 97-0689.
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

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- G) Related rulemakings and other pertinent information: None
- f) Part: Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
- 1) Rulemaking:
- A) Description: Proposed amendments are anticipated to implement a reimbursement process and methodology for facilities licensed under the Specialized Mental Health Rehabilitation Act.
- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P.A. 97-0038
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

g) Part: Hospital Services (89 Ill. Adm. Code 148)

1) Rulemaking:

A) Description: Proposed amendments are anticipated to implement P.A. 97-0689. The amendments mandate adjustments to co-payments and any rate of reimbursement for services or other payments. Emergency rules were filed with the Secretary of State Index Department on June 30, 2012.

B) Statutory Authority: Section 12-13 of the Public Aid Code [305 ILCS 5/12-13] and P.A. 97-0689

C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: Proposed amendments are anticipated to implement P.A. 97-0688. The amendments will implement a new hospital inpatient and outpatient payment methodology funded, in part, by a new assessment on outpatient hospital services.

B) Statutory Authority: 305 ILCS 5/5A-1 through 5/5A-15 of the Public Aid Code and P.A. 97-0688

C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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G) Related rulemakings and other pertinent information: None

3) Rulemaking:

A) Description: Proposed amendments are anticipated to modify certification and reporting requirements for organ transplant services.

B) Statutory Authority: Section 12-13 of the Public Aid Code [305 ILCS 5/12-13]

C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 4) Rulemaking:
- A) Description: Proposed amendments are anticipated that allow the Department more flexibility in making payments to hospitals as they apply to 89 Ill. Adm. Code 148.440 through 148.456.
- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None
- h) Part: Hospital Reimbursement Changes (89 Ill. Adm. Code 152)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

1) Rulemaking:

- A) Description: Proposed amendments are anticipated to implement P.A. 97-0689. The amendments mandate adjustments to any rate of reimbursement for services or other payments to hospitals with certain limited exceptions. Emergency rules were filed with the Secretary of State Index Department on June 30, 2012.
- B) Statutory Authority: Section 12-13 of the Public Aid Code [305 ILCS 5/12-13] and P. A. 97-0689
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

- i) Part: Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2013 REGULATORY AGENDA

1) Rulemaking:

A) Description: Proposed amendments are anticipated to implement P.A. 97-0689. The amendments mandate adjustments rates for the services provided by the long term care facilities. Emergency rules were filed with the Secretary of State Index Department on June 30, 2012.

B) Statutory Authority: Section 12-13 of the Public Aid Code [305 ILCS 5/12-13] and P. A. 97-0689

C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

j) Part: Child Support Enforcement (89 Ill. Adm. Code 160)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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1) Rulemaking:

- A) Description: Public Act 97-0878 (HB 3960), amends rule to provide that in determining net income, the total of all income from all sources is not reduced by the total premiums for life insurance ordered by the court, to reasonably secure payment of support for non-minor children and educational expenses, terms agreed to by the parties or payment of maintenance.
- B) Statutory Authority: Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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2) Rulemaking:

- A) Description: Public Act 97-0926 (HB 4129), may necessitate a new Section of Part 160, as this is a new process. PA 97-0926 gives the Department or an individual the ability to bring an order that originated with the Department (administrative order) into court for further action such as a modification of the ordered amount or to enforce the order by a court only means.
- B) Statutory Authority: 305 ILCS 5/10-15.1
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-or-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN SERVICES

JANUARY 2013 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Treatment and Habilitation Services (59 Ill. Adm. Code 112)
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to implement P.A. 95-282 that describes the practice to combat multi-drug resistant organisms at its facilities.
- B) Statutory Authority: Sections 1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709, of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704, and 4-709]; Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]
- C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June 2013
- E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
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100 South Grand Avenue, East
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DEPARTMENT OF HUMAN SERVICES

JANUARY 2013 REGULATORY AGENDA

(217) 785-9772

G) Related rulemakings and other pertinent information: Noneb) Part(s) (Heading and Code Citation): Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 Ill. Adm. Code 115)1) Rulemaking:A) Description: This rulemaking is necessary to implement P.A. 97-0441 that will establish a process by which the determination to initiate a licensure review shall be made and specify criteria for determining the need for independent monitors and receiverships for Community-Integrated Living Arrangements (CILA) wherein the Department has identified systemic risks to individuals served.B) Statutory Authority: P.A. 97-0441C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].D) Date agency anticipates First Notice: January 2013E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses that provide Community Integrated Living Arrangement services.F) Agency contact person for information:

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DEPARTMENT OF HUMAN SERVICES

JANUARY 2013 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)

1) Rulemaking:

A) Description: This rulemaking is necessary to clean up the rule after the most recent amendments were made. Some of the changes include, but are not limited to, updating definitions, the expansion of deemed status and providing consistency throughout the rule.

B) Statutory Authority: Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide Medicaid Community Mental Health Services.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Springfield, Illinois 62762

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN SERVICES

JANUARY 2013 REGULATORY AGENDA

- d) Part(s) (Heading and Code Citation): Individual Care Grants for Mentally Ill Children (59 Ill. Adm. Code 135)
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to clarify certain provisions that govern various services that are provided to mentally ill children.
- B) Statutory Authority: Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7.1] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses or not-for-profit corporations that provide Medicaid Community Mental Health services.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
- (217) 785-9772
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN SERVICES

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e) Part(s) (Heading and Code Citation): Sexually Violent Persons (59 Ill. Adm. Code 299)

1) Rulemaking:

- A) Description: This rulemaking will expand opportunities for the provision of services since the Sexually Violent Persons program has moved from Joliet to Rushville. An amendment is also necessary to seek reimbursement from residents for their care.
- B) Statutory Authority: Sexually Violent Persons Commitment Act [725 ILCS 20]
- C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

(217) 785-9772
- G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Mental Health Graduate Education Scholarship Act (59 Ill. Adm. Code 136)

1) Rulemaking:

DEPARTMENT OF HUMAN SERVICES

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- A) Description: This rulemaking is necessary to implement PA 96-0672 that establishes a program to upgrade mental health care services by providing scholarships to graduate students in mental health fields who agree to practice in areas of this State demonstrating the greatest need for more mental health services. The program shall encourage mental health practitioners to locate in areas where mental health manpower shortages exist in this State.
- B) Statutory Authority: PA 96-0672
- C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
- (217) 785-9772
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): General Administrative Provisions (89 Ill. Adm. Code 10)
- 1) Rulemaking:

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- A) Description: This rulemaking will allow the Department to accept Applications for Assistance via telephone for the financial assistance programs. A telephonic signature will be used for applications submitted via telephone.
- B) Statutory Authority: CFR 42 Part 435.907(a)(2) and CFR 42 Part 435.907(f) of the Affordable Care Act (ACA)
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

(217) 785-9772

- G) Related rulemakings and other pertinent information: This rulemaking is related to the amendment to 89 Ill. Adm. Code 121 that allows the Department to accept Applications for Assistance via telephone for the Supplemental Nutrition and Assistance Program (SNAP).

h) Part(s) (Heading and Code Citation): Child Care (89 Ill. Adm. Code 50)

1) Rulemaking:

DEPARTMENT OF HUMAN SERVICES

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- A) Description: This rulemaking expands the definitions for "Family", "Parents" or "Parents or other Relatives" and "Work". The definition for "Family" will be expanded to include additional options. The definition for "Parents" or "Parents or other Relatives" will be expanded to include additional custody arrangements. The definition for "Work" will be expanded to include additional options for parents. This rulemaking will allow teen parents to be eligible for full-time year round care when the teen parent is in school full-time. The teen parent will remain eligible to receive child care assistance during the summer months after high school graduation. This rulemaking will also make the requirements for reporting changes that affect child care eligibility more flexible. This rulemaking will clarify eligibility requirements for parents who are employed, for parents who are in military and for full-year teen parents in high school. This rulemaking will clarify what Temporary Assistance for Needy Families (TANF) recipients need to document eligibility. Changes will also be made to make eligibility requirements more in sync with the policies of the federal Administration for Children and Families (ACF) Office of Child Care. The requirements for parents in educational programs will also be clarified. This rulemaking will make changes regarding the earned income that is considered when determining eligibility for child care assistance. This rulemaking will also clarify that only gross base wages and salary will be considered in determining the household's earned income. This rulemaking will also clarify that individuals who are 19-20 years old are to be included in the family size for the household but their earned income is to be disregarded. This rulemaking will clarify eligibility for child care assistance while searching for a job. This rulemaking will add some new requirements for the Great START (Strategy To Attract and Retain Teachers) Program. The wage supplement scale will have Gateways to Opportunity Credentials added to the education option for eligibility. The outdated phase-in language will be deleted from the rule.
- B) Statutory Authority: 305 ILCS 5/9A-11(b), Chapter 32, par. 9A-11
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

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- D) Date agency anticipates First Notice: June 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses that provide child care services.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

(217) 785-9772

- G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)

1) Rulemaking:

- A) Description: This rulemaking will exempt \$3 out of every \$4 of excess child support payments distributed by the child support agency to a family with budgeted earned income.
- B) Statutory Authority: P.A. 96-0866
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

DEPARTMENT OF HUMAN SERVICES

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F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

(217) 785-9772

G) Related rulemakings and other pertinent information: Nonej) Part(s) (Heading and Code Citation): Aid to the Aged, Blind and Disabled (89 Ill. Adm. Code 113)1) Rulemaking:

- A) Description: In order to maintain the benefit levels, this rulemaking will increase the AABD Grant Adjustment Allowance and the Sheltered Care/Personal or Nursing Care Rates by the amount of the January 2013 SSA/SSI Cost of Living Adjustment (COLA).
- B) Statutory Authority: P.A. 97-0441
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses that provide sheltered care or nursing care services.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief

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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

(217) 785-9772

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)

1) Rulemaking:

- A) Description: This rulemaking will allow the Department to accept Applications for Assistance via telephone for the Supplemental Nutrition Assistance Program (SNAP). A telephonic signature will be used for applications submitted via telephone.
- B) Statutory Authority: CFR 42 Part 435.907(a)(2) and CFR 42 Part 435.907(f) of the Affordable Care Act (ACA)
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East

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Springfield, Illinois 62762

(217) 785-9772

- G) Related rulemakings and other pertinent information: This rulemaking is related to the amendment to 89 Ill. Adm. Code 10 that allows the Department to accept Applications for Assistance via telephone for the financial assistance programs.
- l) Part(s) (Heading and Code Citation): Customer Financial Participation (89 Ill. Adm. Code 562)
- 1) Rulemaking:
- A) Description: This rulemaking, which pertains to the Vocational Rehabilitation Program, will be revised to amend the guidelines for customer financial participation.
- B) Statutory Authority: Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)]
- C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

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(217) 785-9772

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

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- a) Part(s) (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)
- 1) Rulemaking:
- A) Description: This Part is being amended to increase the beach fee, institute a new fee charging out-of-state visitors an annual or daily parking pass, institute a new fee to charge equestrians an annual or daily bridle fee; institutes a new fee to charge persons using bike/mountain bike trails an annual or daily trail pass and clarifies penalties for anyone who violates this rule.
- B) Statutory Authority: Section 8 of the State Forest Act [525 ILCS 40/8], Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6], Section 5 of the State Parks Designation Act [20 ILCS 840/5] and Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Robert Mool, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013
- b) Part(s) (Heading and Code Citation): General Hunting and Trapping on Department-Owned and -Managed Sites (17 Ill. Adm. Code 510)

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- 1) Rulemaking:
 - A) Description: This Part contains rules and regulations for hunting in Illinois. This Part will be updated to be consistent with the Department's hunting regulations for 2013.
 - B) Statutory Authority: Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515]
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: February 2013
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None
 - F) Agency contact person for information:

Nick San Diego, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
 - G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Nuisance Wildlife Control Permits (17 Ill. Adm. Code 525)
 - 1) Rulemaking:
 - A) Description: This Part will be amended to update approved methods and regulations for issuance of permits.

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- B) Statutory Authority: Section 2.37 of the Wildlife Code [520 ILCS 5/2.37]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Persons licensed to take nuisance wildlife will need to comply with new requirements.
- F) Agency contact person for information:
- Nick San Diego, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting (17 Ill. Adm. Code 530)
- 1) Rulemaking:
- A) Description: Amendments will be made to this Part for the 2013 hunting season and include updates to the list of State-owned or -managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.26, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None

DEPARTMENT OF NATURAL RESOURCES

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- F) Agency contact person for information:
- Nick San Diego, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)
- 1) Rulemaking:
- A) Description: Amendments will be made to this Part for the 2013 hunting season and include updates to the list of State-owned or -managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: None

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f) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)

1) Rulemaking:

A) Description: Amendments will be made to this Part for the 2013 hunting season and include updates to the list of State-owned or -managed sites open for hunting and updates to site-specific regulations at these sites.

B) Statutory Authority: Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2013

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

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)

1) Rulemaking:

A) Description: Amendments will be made to this Part for the 2013 hunting season and include updates to the list of State-owned or -managed sites open for hunting and updates to site-specific regulations at these sites.

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- B) Statutory Authority: Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990)
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms (17 Ill. Adm. Code 650)
- 1) Rulemaking:
- A) Description: This Part will be amended to update the rule for the 2013 hunting season. Amendments include updating application/permit requirements, firearm requirements, Statewide regulations, sites open to hunting and site-specific information.
- B) Statutory Authority: Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2013

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Nick San Diego, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)
- 1) Rulemaking:
- A) Description: This Part will be amended to update the rule for the 2013 hunting season. Amendments include updating application/permit requirements, muzzleloading rifle requirements, Statewide regulations, sites open to hunting and site-specific information.
- B) Statutory Authority: Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Nick San Diego, Legal Counsel
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

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217/782-1809

G) Related rulemakings and other pertinent information: Nonej) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)1) Rulemaking:A) Description: This Part will be amended to update the rule for the 2013 hunting season. Amendments include updating open seasons and counties, sites and site-specific information, hunting regulations, permit requirements and harvest reporting requirements.B) Statutory Authority: Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: February 2013E) Effect on small businesses, small municipalities or not-for-profit corporations: NoneF) Agency contact person for information:Nick San Diego, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Nonek) Part(s) (Heading and Code Citation): Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)

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- 1) Rulemaking:
 - A) Description: This Part will be amended to update the rule for the 2013 hunting season. Amendments include updating Statewide requirements, permit requirements and hunting regulations.
 - B) Statutory Authority: Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: March 2013
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None
 - F) Agency contact person for information:

Nick San Diego, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
 - G) Related rulemakings and other pertinent information: None
- l) Part(s) (Heading and Code Citation): Squirrel Hunting (17 Ill. Adm. Code 690)
 - 1) Rulemaking:
 - A) Description: Amendments will be made to this Part for the 2013 hunting season and include updates to the list of State-owned or -managed sites open for hunting and updates to site-specific regulations at these sites.
 - B) Statutory Authority: Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5]
 - C) Scheduled meeting/hearing dates: None

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JANUARY 2013 REGULATORY AGENDA

- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- m) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)
- 1) Rulemaking:
- A) Description: Amendments will be made to this Part for the 2013 hunting season and include updates to the list of State-owned or -managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way

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Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Nonen) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)1) Rulemaking:A) Description: Amendments will be made to this Part for the 2013 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.B) Statutory Authority: Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11]C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: February 2013E) Effect on small businesses, small municipalities or not-for-profit corporations: NoneF) Agency contact person for information:Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Noneo) Part(s) (Heading and Code Citation): Dove Hunting (17 Ill. Adm. Code 730)1) Rulemaking:

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- A) Description: Amendments will be made to this Part for the 2013 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)
- 1) Rulemaking:
- A) Description: Amendments will be made to this Part for the 2013 hunting season and include updates to the list of State-owned or -managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987)
- C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- q) Part(s) (Heading and Code Citation): Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas (17 Ill. Adm. Code 1075)

1) Rulemaking:

- A) Description: The Part is being amended to several existing definitions in the consultation regulations and put into place regulatory authority and process to collect a consultation fee from non-state agency consultation applicants.
- B) Statutory Authority: Section 11(b) of the Illinois Endangered Species Protection Act [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

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Springfield, IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013

- r) Part(s) (Heading and Code Citation): Boat and Snowmobile Registration and Safety (17 Ill. Adm. Code 2010)

1) Rulemaking:

- A) Description: This Part is being amended to set guidelines for issuance/sale of Water Usage Stamps by methods prescribed by 17 Ill. Adm. Code 2520.
- B) Statutory Authority: Sections 3-1, 3-1.5, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Virginia Yang, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013

DEPARTMENT OF NATURAL RESOURCES

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- s) Part(s) (Heading and Code Citation): Grant Review and Processing Fees (17 Ill. Adm. Code 3000)
- 1) Rulemaking:
- A) Description: This proposed rule will clarify and explain the Department's Grant review and processing fee. Through this fee, the Department will charge a non-refundable fee to entities applying for grants. The fee indicates that the grant applicant is committed to the grant process and also provides fiscal support to the Department. Grant application fees are limited to capital grant programs (not operational grant programs).
- B) Statutory Authority: Section 805-70 of the Civil Administrative Code [20 ILCS 805/805-70]; Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32]; the Habitat Endowment Act [520 ILCS 25]; and the Illinois Non-Game Wildlife Protection Act [30 ILCS 155]; Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act [625 ILCS 40/8-1 and 9-1]; Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2]; Section 805-325 of the Civil Administrative Code [20 ILCS 805/805-325] and Section 10-1 of the Boat Registration and Safety Act [625 ILCS 45/10-1]; Section 63a36 of the Civil Administrative Code of Illinois [20 ILCS 805/63a36] and Section 2-119 of the Illinois Vehicle Code [625 ILCS 5/2-119]; Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]; Open Land Trust Act [525 ILCS 33]; Park and Recreational Facility Construction Act [30 ILCS 764]; Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(22)]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

George Sisk, Legal Counsel
One Natural Resources Way

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- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013
- t) Part(s) (Heading and Code Citation): Construction in Floodways of Rivers, Lakes and Streams (17 Ill. Adm. Code 3700)
- 1) Rulemaking:
- A) Description: This Part is being amended to implement the recent change to the Rivers, Lakes and Streams Act (615 ILC 5) which allows the Department to collect fees of up to \$5,000 per application for permits issued under the Act as well as some minor amendments for clarification.
- B) Statutory Authority: Sections 23, 29a and 30 of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 29a, 30 and 35]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
- 17/782-1809
- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013

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- u) Part(s) (Heading and Code Citation): Construction and Maintenance of Dams (17 Ill. Adm. Code 3702)
- 1) Rulemaking:
- A) Description: This Part is being amended to implement the recent change to the Rivers, Lakes and Streams Act (615 ILC 5) which allows the Department to collect fees of up to \$5,000 per application for permits issued under the Act as well as some minor amendments for clarification.
- B) Statutory Authority: Sections 23 and 23a of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 23a, and 35]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013
- v) Part(s) (Heading and Code Citation): Regulation of Public Waters (17 Ill. Adm. Code 3704)
- 1) Rulemaking:
- A) Description: This Part is being amended to implement the recent change to the Rivers, Lakes and Streams Act (615 ILC 5) which allows the

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Department to collect fees of up to \$5,000 per application for permits issued under the Act as well as some minor amendments for clarification.

- B) Statutory Authority: Sections 23 and 23a of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 23a, and 35]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271

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- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013

w) Part(s) (Heading and Code Citation): Floodway Construction in Northeastern Illinois (17 Ill. Adm. Code 3708)

1) Rulemaking:

- A) Description: This Part is being amended to implement the recent change to the Rivers, Lakes and Streams Act [615 ILC 5] which allows the Department to collect fees of up to \$5,000 per application for permits issued under the Act as well as some minor amendments for clarification.
- B) Statutory Authority: Sections 23 and 23a of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 23a, and 35]
- C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013
- x) Part(s) (Heading and Code Citation): Rules Establishing Horizontal and Vertical Clearances for Bridges Over the Fox River (17 Ill. Adm. Code 3720)
- 1) Rulemaking:
- A) Description: This Part is being amended to implement the recent change to the Rivers, Lakes and Streams Act [615 ILC 5] which allows the Department to collect fees of up to \$5,000 per application for permits issued under the Act as well as some minor amendments for clarification.
- B) Statutory Authority: Sections 23 and 23a of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 23a, and 35]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way

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- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013
- y) Part(s) (Heading and Code Citation): Selling and Consignment of Licenses, Stamps and Permits (17 Ill. Adm. Code 2520)
- 1) Rulemaking:
- A) Description: This Part is being amended to add language to allow the collection of issuance fees by vendors issuing/selling Water Usage Stamps and OHV Trail permits.
- B) Statutory Authority: Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37,3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120], Section 26 of the Recreational Trails Act of Illinois [20 ILCS 862/26] and Sections 3-1.5 of the Boat Registration and Safety Act [625 ILCS 45/3-1.5]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Julia Lawrence, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
- 217/782-1809

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- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013
- z) Part(s) (Heading and Code Citation): Off-Highway Vehicle Usage Stamps (17 Ill. Adm. Code 2525)
- 1) Rulemaking:
- A) Description: This proposed rule will set guidelines for issuance/sale of Off-Highway Vehicle Usage Stamps. It also prescribes what information is collected during the sale process, the expiration date of the permits, and the display of the permits.
- B) Statutory Authority: Section 26 and 45 of the Recreational Trails of Illinois Act [20 ILCS 862/26] and Section 11-1427.1, 11-1427.3 and 11-1427.4 of the Illinois Vehicle Code [625 ILCS 5/11-1427.1, 11-1427.3 and 11-1427.4]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Julia Lawrence, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013
- aa) Part(s) (Heading and Code Citation): Procedure for Holding Mining Board Examinations (62 Ill. Adm. Code 230)

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- 1) Rulemaking:
 - A) Description: This Part is being amended to include a fee structure for Certificates of Competency.
 - B) Statutory Authority: Article 2 and 3 of the Coal Mining Act [225 ILCS 705/Art. 2 and Art. 3]
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: January 2013
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None
 - F) Agency contact person for information:

Julia Lawrence, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809
 - G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013
- bb) Part(s) (Heading and Code Citation): The Illinois Oil and Gas Act (62 Ill. Adm. Code 240)
 - 1) Rulemaking:
 - A) Description: This Part is being amended to insert language pertaining to a filing fee for petitions for hearings, alter fees associated with Permit and Transfers and to delete language pertaining to Transfers involving more than 50 wells and to simply its Annual Well Fees.
 - B) Statutory Authority: Section 26 and 45 of the Recreational Trails of Illinois Act [20 ILCS 862/26] and Section 11-1427.1, 11-1427.3 and 11-

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1427.4 of the Illinois Vehicle Code [625 ILCS 5/11-1427.1, 11-1427.3 and 11-1427.4]

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Robert Mool, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013

cc) Part(s) (Heading and Code Citation): Surface Mined Land Conservation and Reclamation Act (62 Ill. Adm. Code 300)

- 1) Rulemaking:
 - A) Description: This Part is being amended to increase the permit fee, allow for increases to the original blaster's license application fee, blaster's license reexamination fee, blaster's license renewal fee and temporary blaster's license fee.
 - B) Statutory Authority: Surface Mined Land Conservation and Reclamation Act [225 ILCS 715]
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: January 2013

DEPARTMENT OF NATURAL RESOURCES

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

- F) Agency contact person for information:
 - Julia Lawrence, Legal Counsel
 - One Natural Resources Way
 - Springfield, IL 62702-1271

 - 217/782-1809

- G) Related rulemakings and other pertinent information: The enactment of P.A. 97-1136, effective January 1, 2013

ILLINOIS RACING BOARD

JANUARY 2013 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Voluntary Self-Exclusion Program (11 Ill. Adm. Code 416)
- 1) Rulemaking:
- A) Description: This rulemaking authorizes problem gamblers to voluntarily request that their names be placed on a list of self-excluded persons to be maintained by the Illinois Racing Board. As a result of the entry of a person's name on such list, that person would be prohibited from wagering on horse races and entering racetracks and off-track wagering facilities licensed by the Illinois Racing Board. The proposed rulemaking establishes procedures for an individual's inclusion on, and removal from, the list of self-excluded persons. Racetracks and off-track wagering facilities are required to remove persons on the self-excluded list mailings or other forms of advertising or promotions.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.
- D) Date agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601

312/814-5017
Fax: 312/814-5062
mickey.ezzo@illinois.gov

ILLINOIS RACING BOARD

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- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Medication (11 Ill. Adm. Code 603)
- 1) Rulemaking:
- A) Description: Part 603 may periodically need updating because the Board actively addresses drug testing, veterinary practices and safety issues.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.
- D) Date agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Mickey Ezzo
Illinois Racing Board
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Suite 7-701
Chicago, IL 60601
- 312/814-5017
Fax: 312/814-5062
mickey.ezzo@illinois.gov
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Advance Deposit Wagering (11 Ill. Adm. Code 325)

ILLINOIS RACING BOARD

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- 1) Rulemaking:
- A) Description: Due to the growing popularity of on-line and phone betting, Part 325 may periodically need updating.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.
- D) Date agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Mickey Ezzo
Illinois Racing Board
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Chicago, IL 60601
- 312/814-5017
Fax: 312/814-5062
mickey.ezzo@illinois.gov
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF REVENUE

JANUARY 2013 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Income Tax (86 Ill. Adm. Code 100)1) Rulemaking:

- A) Description: New rules will be added to Part 100 concerning the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209); the reallocation of items under IITA Section 404; pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders; filing of refund claims and other collection matters, statutes of limitations, and interest computations.

Part 100 will be amended by adding rules and amending existing rules governing the computation of base income under Article 2 of the IITA, the allocation and apportionment of base income under Article 3 of the IITA, and the filing of returns and payment of taxes under Articles 5 and 6 of the IITA.

Part 100 will be amended to update the provisions defining unitary business groups and computing the combined tax liability of unitary business groups.

Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the acceptance of substitute W-2s, and rounding amounts on returns to the nearest dollar.

Part 100 will be amended to clarify definitions of terms in IITA Section 1501(a).

Part 100 will be amended to implement legislation enacted in 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012, including the angel investment, historic preservation, small business jobs and hospital credits, the computation of the credit for taxes paid to other states, the repeal or sunset of the research and development, low-income housing and film credits and credits and subtractions allowed with respect to enterprise zones, the allowance of Economic Development for a Growing Economy credits to be used against withholding obligations, credits for hiring veterans and ex-felons, bonus depreciation adjustments, withholding by employers, partnerships, Subchapter S corporations and trusts, changes to

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apportionment formulas and taxation of real estate investment trusts and their investors, tax-exempt bonds, recoveries of itemized deductions, repayments of claim-of-right amounts, special net loss rules for cooperatives and real estate mortgage investment companies, the computation of tax for partners in civil unions, and appeals to the Tax Tribunal .

Part 100 will be amended to provide additional guidance on nexus and on the Illinois income tax consequences of changes in federal income tax laws.

Finally, the Department will continue the updating and correction of Part 100.

Proposed rules that have been submitted to first notice and that should be adopted in the near future include:

Amendments to Section 100.3020, providing guidance for determining residency of individuals.

- B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.
- F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500

DEPARTMENT OF REVENUE

JANUARY 2013 REGULATORY AGENDA

Springfield, IL 62794

Telephone: (217) 524-3951

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citations): Property Tax Code (86 Ill. Adm. Code 110)

1) Rulemaking:

A) Description: Part 110 will be amended to implement the new Disabled Persons' Homestead Exemption under 35 ILCS 200/15-168.

Part 110 will be amended to adopt new rules to implement changes made to the Senior Citizens Assessment Freeze Homestead Exemption under 35 ILCS 200/15-172.

Part 110 will be amended with respect to 110.162 for Township and Multi-Township Assessor Qualifications. The amendment deals with the approved designation list from the Department of Revenue.

Part 110 will be amended with respect to 110.155 to update population changes in counties, which resulted in different requirements for those counties with respect to course and examination requirements for board of review members. The changes in the county populations will be reflected in the attached map accompanying Part 110.155, referred to as Illustration A. Part 110.155 will also be amended to correct typographical errors in subsections (b)(3); (b)(5); (d); and (e)(3).

Part 110 may be amended to reflect the provisions of Public Act 97-0688, which made changes to property tax exemption law concerning hospitals.

B) Statutory Authority: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625]; 35 ILCS 200/15-168; 35 ILCS 200/15-65; 35 ILCS 200/15-172; 35 ILCS 200/6; 35 ILCS 200/6-10; and 35 ILCS 200/6-32

C) Scheduled meeting/hearing dates: No schedule has been established.

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- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 110 during the first six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations:
None
- F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794

Telephone: (217) 524-4886
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citations): Retailers' Occupation Tax (86 Ill. Adm. Code 130)
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings. Some of the highlights of these changes include:
1. Amendment of Section 130.415 (Transportation and Delivery Charges) and 130.410, (Cost of Doing Business Not Deductible), to provide clarity on the taxation of shipping and delivery charges, and to clarify what tax rate applies to taxable transportation and delivery charges for an order that contains both high tax rate and low tax rate items.
 2. Amendment of Section 130.2005 regarding nonprofit service enterprises to clarify how tax-exempt organizations handle

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fundraising events, including occasional dinners and bake sales and similar events.

3. Amendment of Section 130.2013 regarding the lessor's credit to describe the requirements necessary for claiming the credit on sales to customers who are purchasing items that they had previously leased from those lessors.
4. Amendment of Section 130.455 regarding motor vehicle trade-ins to clarify issues regarding trade-ins including how advance trade-ins apply in auction situations.
5. Amendment of 130.2080 to update the regulation governing sales to governmental bodies, foreign diplomats and consular personnel.
6. Amendment of Section 130. ILLUSTRATION A – to update examples of tax exemption cards.
7. Creation of a new Section regarding the exemption created by Public Act 95-0672 for tangible personal property sold to public-facilities corporations for purposes of constructing or furnishing a municipal convention hall.
8. Amendment of Section 130.2007 to explain the proper use by an exempt organization of its exemption identification number issued by the Department and consequences of an organization's failure to use ordinary care to ensure that the exemption identification number is properly utilized. Consequences include revocation of the exemption identification number.
9. Creation of a new Section to provide guidance regarding the documentation requirements for sales by retailers to exempt organizations holding active exemption numbers issued by the Department.
10. Amendment of Section 130.450 regarding installation, alteration, and special service charges to provide further guidance through examples for retailers who sell items that are commonly installed into real estate, such as cabinets and counter tops.

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11. Amendment of Section 130.340 regarding rolling stock to provide guidance through examples of items that qualify for the exemption but do not become a part of the vehicle and to clarify the types of registration numbers carriers need to provide to document that they are for hire carriers.
 12. Amendment of Section 130.605 to add examples regarding the drive-away permit exemption described in subsection (b) of that Section.
 13. Amendment of Section 130.701 regarding the obtaining of certificates of registration to incorporate the changes made by P.A. 96-1355 listing the criteria the Department is to consider when determining whether to require a bond or other security from an applicant for a certificate of registration and the amount of that bond or other security.
 14. New Section to describe how "deal of the day" types of transactions are taxed and to provide examples regarding those transactions.
- B) Statutory Authority: 35 ILCS 120/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations. Businesses that sell tangible personal property and have that property delivered to their customers, including sales made through the use of the Internet, mail order, telephone and television orders, will be impacted by the changes to Sections 130.410 and 130.415 regarding transportation and delivery charges. Retailers

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who sell counter tops and cabinets will be impacted by the changes to Section 130.450. Tax exempt organizations will be affected by the changes proposed to Sections 130.2005, 130.2007, and the new Section providing guidance on how to document exempt sales to those organizations.

F) Agency contact person for information:

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Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794

Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: Noned) Part(s) (Heading and Code Citations): Service Occupation Tax (86 Ill. Adm. Code 140)1) Rulemaking:

- A) Description: Amendments will be made as part of a general update to clarify application of the Service Occupation Tax and to reflect recent decisional law, statutory changes and Department policy. Some of the highlights of these changes are revisions to Section 140.108 to add an example of a company that provides water service as a de minimis serviceman; and the addition of language to reinforce that de minimis servicemen cannot provide certificates of resale if those de minimis servicemen are registered with the Department only for the limited purpose of self-assessing and remitting their own use tax liability.
- B) Statutory Authority: 35 ILCS 115/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six

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months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.

F) Agency contact person for information:

Jerilynn Gorden
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Illinois Department of Revenue
101 W. Jefferson, 5-500
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Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citations): Use Tax (86 Ill. Adm. Code 150)

1) Rulemaking:

A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies. Some of the highlights of these changes include:

1. Amendment to Section 150.201 that reflects the changes in the definition of a "retailer maintaining a place of business in this State" added by P.A. 96-1544 to reference retailers who have certain contracts with and provide commissions to persons in this State and the retailer's sales to customers in this State under such contracts exceed \$10,000 during the preceding 4 calendar quarters.
2. Amendment to Section 150.310 to change the period of use from "30 or more days" to "more than 30 days" that will trigger Use Tax liability for a vehicle that was purchased in this State under the drive-away permit exemption. The change to Section 150.310 is being made in order to conform to the recent change by the

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Secretary of State's Office to extend the time period for a drive-away permit for a vehicle from 7 days to 30 days.

3. Amendment to Section 150.401 to clarify when out-of-State retailers attending trade shows in this State are not considered to have a Use Tax collection on remote sales to Illinois customers and to provide guidance regarding questions raised by out-of-State retailers regarding nexus activities.

- B) Statutory Authority: 35 ILCS 105/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Use Tax.
- F) Agency contact person for information:

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101 W. Jefferson, 5-500
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Telephone: (217) 782-2844

- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citations): Service Use Tax (86 Ill. Adm. Code 160)
- 1) Rulemaking:

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- A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments, decisional law and Department policies.
 - B) Statutory Authority: 35 ILCS 110/12
 - C) Scheduled meetings/hearing dates: No schedule has been established at this time.
 - D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.
 - E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Service Use Tax, including persons required to collect Service Use Tax from Illinois purchasers.
 - F) Agency contact person for information:

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101 W. Jefferson, 5-500
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Telephone: (217) 782-2844
 - G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citations): Metro East Mass Transit District Retailers' Occupation Tax (86 Ill. Adm. Code 370)
- 1) Rulemaking:
 - A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.
 - B) Statutory Authority: 70 ILCS 3610/5.01

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- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.
- F) Agency contact person for information:

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Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 380 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.
- h) Part(s) (Heading and Code Citations): Metro East Mass Transit District Service Occupation Tax (86 Ill. Adm. Code 380)
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.
- B) Statutory Authority: 70 ILCS 3610/5.01
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

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- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Businesses that make sales of service involving the transfer of tangible personal property in a Metro East Mass Transit District would be minimally impacted.
- F) Agency contact person for information:
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- Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.
- i) Part(s) (Heading and Code Citations): Metro East Mass Transit District Use Tax (86 Ill. Adm. Code 390)
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.
- B) Statutory Authority: 70 ILCS 3610/5.01
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

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- E) Effect on small business, small municipalities or not-for-profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.
- F) Agency contact person for information:
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- Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 380 regarding the taxes imposed in Metro East Mass Transit Districts.
- j) Part(s) (Heading and Code Citations): New Part, Business District Taxes (86 Ill. Adm. Code 400)
- 1) Rulemaking:
- A) Description: Regulations will be promulgated to set out specific procedures and requirements for the business district taxes authorized by P.A. 93-1053.
- B) Statutory Authority: 65 ILCS 5/11-74.3-6
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Municipalities are authorized to impose these taxes within

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business districts established by those municipalities. All businesses that are engaged in making sales of tangible personal property at retail and sales of service when tangible personal property is transferred incident to those sales of service within a business district where those taxes are imposed will be subject to those taxes.

F) Agency contact person for information:

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Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: Nonek) Part(s) (Heading and Code Citations): Liquor Control Act (86 Ill. Adm. Code 420)1) Rulemaking:

- A) Description: Amendments will be made to Section 420.10 to reflect the provisions of Public Acts 95-634, 96-34 and 96-38, which changed the gallonage tax rates on beer, wine, cider and spirits effective September 1, 2009 and added provisions regarding licensed winery shippers. In addition, administrative provisions are being added such as new sections for definitions, investigations and hearings, administrative review of Department decisions and confidentiality of tax information.
- B) Statutory Authority: 235 ILCS 58-1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

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E) Effect on small business, small municipalities or not for profit corporations: Manufacturers and importing distributors of beer, wine, cider and spirits are affected due to the change in tax rates on those items.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: There are no related rulemakings.

l) Part(s) (Heading and Code Citations): Bingo License and Tax Act (86 Ill. Adm. Code 430)

1) Rulemaking:

A) Description: Regulations will be updated to reflect the provisions of Public Act 93-742, which authorizes the Department to issue 3-year bingo licenses, including regular licenses, limited licenses or senior citizen restricted licenses, and the amendments in Public Act 95-228, dealing with licensing. The regulations will also be amended to clarify record keeping requirements and the documentation required for a license application.

B) Statutory Authority: 230 ILCS 25

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Entities eligible for bingo licenses will be affected by this rulemaking.

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F) Agency contact person for information:

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Telephone: (217) 524-3951

G) Related rulemakings and other pertinent information: There are no related rulemakings.m) Part(s) (Heading and Code Citations): Pull Tabs and Jar Games (86 Ill. Adm. Code 432)1) Rulemaking:

A) Description: Regulations will be amended to implement the amendments in Public Act 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application.

B) Statutory Authority: 230 ILCS 20

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for pull tabs and jar games licenses will be affected by this rulemaking.

F) Agency contact person for information:

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JANUARY 2013 REGULATORY AGENDA

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- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- n) Part(s) (Heading and Code Citations): Charitable Games Act (86 Ill. Adm. Code 435)
- 1) Rulemaking:
- A) Description: Regulations will be amended to implement the amendments in Public Act 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application.
- B) Statutory Authority: 230 ILCS 30
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Entities eligible for a charitable games license will be affected by this rulemaking.
- F) Agency contact person for information:
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- Telephone: (217) 524-3951
- G) Related rulemakings and other pertinent information: There are no related rulemakings.

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- o) Part(s) (Heading and Code Citations): Cigarette Tax Act (86 Ill. Adm. Code 440)
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Cigarette Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Among those amendments, the Department anticipates amendments to these rules relating to the federal "Prevent All Cigarette Trafficking Act of 2009" P.L. 111-154, P.A. 95-1053, P.A. 96-782 and P.A.1027; and the changes made by Public Act 97-688 to the definition of "cigarettes" to include little cigars. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: 20 ILCS 2505/2505-30
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Minimal, depending upon what legislation may be enacted. Tobacco retailers will be impacted if they sell little cigars that are considered to be cigarettes.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None.

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- p) Part(s) (Heading and Code Citations): Cigarette Use Tax Act (86 Ill. Adm. Code 450)
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Cigarette Use Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Among these amendments, the Department anticipates amendments to these rules to incorporate the changes made by P.A. 95-1053, P.A. 96-782 and P.A. 1027; and the changes made by Public Act 97-688 to the definition of "cigarettes" to include little cigars. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: 20 ILCS 2505/2505-80
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Minimal, depending upon what legislation may be enacted. Tobacco retailers will be impacted if they possess unstamped little cigars that are considered to be cigarettes.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None

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- q) Part(s) (Heading and Code Citations): Hotel Operators' Occupation Tax Act (86 Ill. Adm. Code 480)
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Hotel Operators' Occupation Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Among those amendments, would be an amendment to Section 480.101 to clarify the types of diplomatic exemption cards used to document the exemption from the tax for those transactions when the hotel operator is prohibited from obtaining a reimbursement of tax from the customer by a federal treaty. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority 20 ILCS 2505/2505-85
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Minimal, depending upon what legislation may be enacted.
- F) Agency contact person for information:
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- Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: None

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- r) Part(s) (Heading and Code Citations): Telecommunications Excise Tax (86 Ill. Adm. Code 495)
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect new statutory provisions, decisional law and Department policy. Examples include:
1. Regulations that explain the manner in which DSL services are taxed.
 2. Regulations that explain the taxation of telecommunications that are provided by cable and satellite television companies as part of internet access services and the taxation of Voice Over Internet Protocol (VOIP).
 3. Regulations which reflect the provisions of the Simplified Telecommunications Tax Act (92-526, 92-878, 92-602, 93-286, and 94-793) and the Mobile Telecommunications Sourcing Conformity Act. (92-474).
 4. Regulations that explain the telecommunications tax liabilities involved when multiple parties are joined together in different conference calling arrangements.
 5. Amendment of Section 495.100 to clarify the ending date for using alternate apportionment methods for imposing tax on portions of the interstate inter-office channels for private lines pursuant to P.A.93-286.
- B) Statutory Authority: 35 ILCS 630; Public Acts 92-526; 92-0602; 92-878, 93-286, and 94-793
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings to Part 495 during the next six months of this year.

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- E) Effect on small business, small municipalities or not-for-profit corporations: Retailers of telecommunications and their telecommunications customers will be affected by these regulations.
- F) Agency contact person for information:
- Jerilynn Gorden
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Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
- Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- s) Part(s) (Heading and Code Citations): Motor Fuel Tax (86 Ill. Adm. Code 500)
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect new statutory provisions, new provisions and procedures under the International Fuel Tax Agreement, and changes in Department procedures.
- B) Statutory Authority: 35 ILCS 505/14
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings to Part 500 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Motor fuel distributors, suppliers and receivers, as well as persons licensed under the International Fuel Tax Agreement, will be affected by these regulations.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- t) Part(s) (Heading and Code Citations): The Public Utilities Revenue Act (86 Ill. Adm. Code 510)
- 1) Rulemaking:
- A) Description: Update the regulations concerning the Public Utilities Revenue Act to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: 20 ILCS 2505/2505-35; 35 ILCS 620
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Small utilities and other distributors of electricity, including electric cooperatives, will be better able to comply with provisions of the Public Utilities Revenue Act.
- F) Agency contact person for information:

Jerilynn Gorden

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- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- u) Part(s) (Heading and Code Citations): New Part, Flood Prevention District Act (86 Ill. Adm. Code 550)
- 1) Rulemaking:
- A) Description: Draft regulations relating to the Flood Prevention District Act to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: 70 ILCS 750
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Retailers located in flood prevention district may have the tax imposed upon them and will be required to remit the tax and keep books and records and file returns with the Department.
- F) Agency contact person for information:

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Telephone: (217) 782-2844

- G) Related rulemakings and other pertinent information: None
- v) Part(s) (Heading and Code Citations): New Part, County School Facility Retailers' Occupation Tax (86 Ill. Adm. Code 600)
- 1) Rulemaking:
- A) Description: New regulations will be promulgated to implement the provisions of PA 95-675 imposing a County School Facility Retailers' Occupation Tax.
- B) Statutory Authority: 55 ILCS 5/5-1006.7(a)
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Counties imposing this tax and retailers located in such jurisdictions will be affected by this rulemaking.
- F) Agency contact person for information:
- Jerilynn Gorden
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- Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: New Part 605 implementing a County School Facility Service Occupation Tax is related.

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- w) Part(s) (Heading and Code Citations): New Part, County School Facility Service Occupation Tax (86 Ill. Adm. Code 605)
- 1) Rulemaking:
- A) Description: New regulations will be promulgated to implement the provisions of PA 95-675 imposing a County School Facility Retailers' Occupation Tax.
- B) Statutory Authority: 55 ILCS 5/5-1006.7(b)
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Businesses making sales of service in counties imposing the tax will be minimally affected.
- F) Agency contact person for information:
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- Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: New Part 600 implementing a County School Facility Retailers' Occupation Tax is related.
- x) Part(s) (Heading and Code Citations): Tobacco Products Tax Act of 1995 (86 Ill. Adm. Code 660)
- 1) Rulemaking:

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- A) Description: Amendments will be made to update the Tobacco Products Tax Act of 1995 regulations to reflect new statutory developments, decisional law and Department policies. These amendments will include changes made by P.A. 97-688 to the tax rate for tobacco products and the new weight based tax rate on moist snuff. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority 35 ILCS 143/10-1 et seq.
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Minimal, depending upon what legislation may be enacted.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

y) Part(s) (Heading and Code Citations): Special County Retailers' Occupation Tax for Public Safety (86 Ill. Adm. Code 670)

1) Rulemaking:

- A) Description: Amendments will be made to update the Special County Retailers' Occupation Tax for Public Safety regulations to reflect new

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statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

- B) Statutory Authority: Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95]
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Small municipalities may impose this tax for purposes of building or improving public facilities.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None
- z) Part(s) (Heading and Code Citations): Special County Service Occupation Tax for Public Safety (86 Ill. Adm. Code 680)
 - 1) Rulemaking:
 - A) Description: Amendments will be made to update the Special County Service Occupation Tax for Public Safety regulations to reflect new statutory developments, decisional law and Department policies.

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Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

B) Statutory Authority: Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95]

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Small municipalities may impose this tax for purposes of building or improving public facilities.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

aa) Part(s) (Heading and Code Citations): Uniform Penalty and Interest Act (86 Ill. Adm. Code 700)

1) Rulemaking:

A) Description: The Department will amend the regulations in Part 700 to reflect recent amendments to the Uniform Penalty and Interest Act.

B) Statutory Authority: 20 ILCS 2505/2505-795

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- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filings during the next six months of this year.
- E) Effect on small business, small municipalities and not-for-profit corporations: These rulemakings will provide guidance for any business or not for profit corporation that incurs tax liabilities potentially subject to penalty or interest obligations under the Uniform Penalty and Interest Act.
- F) Agency contact person for information:
- Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
- Telephone (217) 524-3951
- G) Related rulemakings and other pertinent information: None
- bb) Part(s) (Heading and Code Citations): Payments Required to be Paid by Electronic Funds Transfer (86 Ill. Adm. Code 750)
- 1) Rulemaking:
- A) Description: Amendments will be made to Section 750.300 to reference the change in the electronic funds transfer threshold made by Public Act 96-1027.
- B) Statutory Authority: 20 ILCS 2505/2505-210
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

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- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Any businesses or municipality that has annual tax liabilities of \$20,000 or more and individual taxpayers who have annual tax liabilities of \$200,000 or more, are required to make those payments to the Department by electronic funds transfer.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
- Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: None
- cc) Part(s) (Heading and Code Citations): New Part, Internet Filing of Sales and Use Tax Returns (86 Ill. Adm. Code 765)
- 1) Rulemaking:
- A) Description: Regulations will be promulgated to provide the specific procedures and requirements for persons using an Internet-based system to file sales and use tax returns.
- B) Statutory Authority: 20 ILCS 2505/2505-200
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

DEPARTMENT OF REVENUE

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E) Effect on small business, small municipalities or not-for-profit corporations: Persons using the Internet to file sales and use tax returns will be affected by these rules.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794

Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None

dd) Part(s) (Heading and Code Citations): New Part, Rental Housing Support Program (86 Ill. Adm. Code 810)

1) Rulemaking:

A) Description: New rules will be created under Part 121 to implement the new Rental Housing Support Program.

B) Statutory Authority: 55 ILCS 5/3-5018

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings creating Part 121 during the first six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: De minimus. Small business and not for profit organizations are subject to the \$10 recording fee for real estate related documents. Units of local government are exempt under the statute.

F) Agency contact person for information:

DEPARTMENT OF REVENUE

JANUARY 2013 REGULATORY AGENDA

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794

Telephone: (217) 524-4886

- G) Related rulemakings and other pertinent information: None

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2013 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Insurance Regulations (50 Ill. Adm. Code 7100)

1) Rulemaking:

A) Description: The Commission anticipates changes to two Sections of Part 7100 of its rules. Section 7100.100 sets forth the procedure for the enforcement of the insurance compliance provisions of Section 4 of the Workers' Compensation Act. This rule has not been updated since 1990 and there have been several significant amendments to Section 4 since that time, including the ability of the Commission to issue a work-stop order for an employer who has knowingly failed to provide workers' compensation insurance. In addition, Section 7100.100 does not include the minimum \$10,000 fine for the knowing and willful failure or refusal to obtain workers' compensation insurance set forth in Section 4(d) of the Workers' Compensation Act and the applicability of such fine to corporate officers and directors, which is also set forth in Section 4(d) of the Act.

Section 7100.70 sets forth the qualifications required to be approved as a self-insurer in Illinois, as well as the procedural aspects of the application process. This rule has not been updated since 1996. The rule will be updated in order ensure the integrity of the self-insurance program.

B) Statutory Authority: Sections 4, 4a-4, 16 of the Workers' Compensation Act [820 ILCS 305/4; 820 ILCS 305/4a-4; 820 ILCS 305/16]

C) Scheduled meeting/hearing dates: None scheduled at this time.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: The changes to Section 7100.100 affect those businesses appearing before the Illinois Workers' Compensation Commission for insurance compliance actions relating to the failure to obtain workers' compensation insurance or the failure to obtain sufficient workers' compensation insurance. The changes to Section 7100.70 affect those parties applying to be a self-insurer for workers' compensation coverage in Illinois.

F) Agency contact person for information:

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2013 REGULATORY AGENDA

Kimberly B. Janas
Secretary of the Commission
Illinois Workers' Compensation Commission
100 W. Randolph Street Suite 8-200
Chicago, IL 60601

Phone: 312.814.6559
kimberly.janas@illinois.gov
Fax: 312.814.3520

- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 37, Issue 3 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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