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REGISTER RULES OF GOVERNMENTAL AGENCIES



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Aadus Banc Corporation, License No.5430 of Palatine Illinois

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Editor’s Notes: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

- Issue 41 - October 11, 2002: Data through September 30, 2002 (3rd Quarter)
- Issue 3 - January 10, 2003: Data through December 31, 2002 (Annual)
- Issue 15 - April 11, 2003: Data through March 31, 2003 (1st Quarter)
- Issue 28 - July 11, 2003: Data through June 30, 2003 (2nd Quarter)
- Issue 41 - October 10, 2003: Data through September 29, 2003 (3rd Quarter)
- Issue 2 - January 9, 2004: Data through December 29, 2003 (Annual)

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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist 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 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'

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2002 REGISTER SCHEDULE VOLUME # 26

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Issue 34	August 12, 2002	August 23, 2002			
Issue 35	August 19, 2002	August 30, 2002			
Issue 36	August 26, 2002	September 06, 2002			
Issue 37	September 02, 2002	September 13, 2002			

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.280 Proposed Action: Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, a Public Service Administrator (37015-42-35-110-00-01) position is being included in this Section with the annual salary of \$86,472 at the request of the Department of Commerce and Community Affairs.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Reg. Citation</u>
Table AA	Amend	26 Ill. Reg. 1774; 02/15/02
310.230	Amend	26 Ill. Reg. 6897; 05/10/02
310.280	Amend	26 Ill. Reg. 7790; 05/31/02
310.110	Amend	26 Ill. Reg. 10094; 07/12/02
310.130	Amend	26 Ill. Reg. 10094; 07/12/02
310.230	Amend	26 Ill. Reg. 10094; 07/12/02
310.290	Amend	26 Ill. Reg. 10094; 07/12/02
310.490	Amend	26 Ill. Reg. 10094; 07/12/02
310.510	Amend	26 Ill. Reg. 10094; 07/12/02
310.530	Amend	26 Ill. Reg. 10094; 07/12/02
310.540	Amend	26 Ill. Reg. 10094; 07/12/02
Appendix B	Amend	26 Ill. Reg. 10094; 07/12/02
Appendix C	Amend	26 Ill. Reg. 10094; 07/12/02
Appendix D	Amend	26 Ill. Reg. 10094; 07/12/02
Appendix G	Amend	26 Ill. Reg. 10094; 07/12/02
Table AA	Amend	26 Ill. Reg. 13128; 09/06/02

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Table AB	Amend	26 Ill. Reg. 13128; 09/06/02
310.280	Amend	26 Ill. Reg. 13735; 09/20/02
310.280	Amend	26 Ill. Reg. 13901; 09/27/02

10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2002
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

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310.210	Prevailing Rate
310.220	Negotiated Rate
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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310.310	Physician Specialist Rate
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310.330	Excluded Classes Rate (Repealed)

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310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2002
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

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TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
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TABLE D	HR-001 (Teamsters Local #726)
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2002

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for

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a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective

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February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143,

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effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

 Department of Children & Family Services

Public Service Administrator (Pos. No. 37015-16-23-120-00-01)	<u>Annual Salary</u> 85,104
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 Department of Commerce & Community Affairs

Administrative Assistant II (Pos. No. 00502-42-00-040-11-01)	<u>Annual Salary</u> 57,648
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Public Information Officer IV (Pos. No. 37004-42-00-005-10-01)	<u>Annual Salary</u> 69,792
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<u>Public Service Administrator</u> <u>(Pos. No. 37015-42-35-110-00-01)</u>	<u>Annual Salary</u> <u>86,472</u>
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Public Service Administrator (Pos. No. 37015-42-35-110-10-03)	<u>Annual Salary</u> 78,612
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Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	<u>Annual Salary</u> 96,360
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 Department of Human Services

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Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	<u>Annual Salary</u> 55,200
Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	<u>Annual Salary</u> 142,368
Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	<u>Annual Salary</u> 76,572
Senior Public Service Administrator (Pos. No. 40070-10-65-000-00-01)	<u>Annual Salary</u> 105,475
Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	<u>Annual Salary</u> 105,480

Illinois State and Local Labor Relations Board

Private Secretary II (Pos. No. 34202-50-19-000-00-01)	<u>Annual Salary</u> 51,900
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Department of Natural Resources

Administrative Assistant II (Pos. No. 00502-12-30-000-20-01)	<u>Annual Salary</u> 50,520
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Department of Revenue

Public Service Administrator (Pos. No. 37015-25-61-140-80-01)	<u>Annual Salary</u> 76,668
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Department of State Police

Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01)	<u>Annual Salary</u> 113,580
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Senior Public Service Administrator (Pos. No. 40070-21-40-000-00-01)	<u>Annual Salary</u> 113,580
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(Source: Amended at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of Part: State Administration of the Federal Community Services Block Grant Program
- 2) Code Citation: 47 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
120.10	Amendment
120.30	Amendment
120.40	Amendment
120.50	Amendment
120.55	Amendment
120.60	Amendment
120.70	Amendment
120.80	Amendment
120.90	Amendment
120.100	Amendment
120.110	Amendment
120.115	Amendment
120.120	Amendment
- 4) Statutory Authority: Implementing the Illinois Economic Opportunity Act [20 ILCS 625] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].
- 5) A Complete Description of the Subjects and Issues Involved: The federal Community Services Block Grant (CSBG) Act was reauthorized in 1994 and 1998. Both Congressional reauthorizations made changes affecting the State's administration of the CSBG program. These proposed amendments incorporate the federal law changes and update other aspects of the rules by incorporating CSBG program policy and procedural changes that have occurred since the rules were last updated.
- 6) Will these proposed amendments replace an emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any proposed amendments containing incorporations by reference? No

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- 10) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805).
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Ms. Raya Bogard
Illinois Administrative Code Rules Manager
James R. Thompson Center
100 West Randolph
Suite 3-400
Chicago IL 60601
312/814-9593
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses and small municipalities affected: Thirty-six community action agencies (25 not-for-profit corporations and 11 units of government) that locally administer the Community Services Block Grant program throughout the State. These agencies will be affected by minimal additional reporting requirements that were federally mandated.
- B) Reporting, bookkeeping or other procedures required for compliance: No bookkeeping changes are anticipated. Minimal reporting changes are required because the CSBG Act now requires the reporting of precise program outcomes. Each of the thirty-six grantee agencies will spend 4-10 hours per year (depending on client case load). This includes establishing client outcomes in grant agreements and data input of client information for quarterly reporting on an automated system.
- C) Types of professional skills necessary for compliance: The community action agencies currently possess the skill required for compliance.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: this rulemaking was not anticipated and did not appear on a Regulatory Agenda.

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

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRSPART 120
STATE ADMINISTRATION OF THE FEDERAL COMMUNITY SERVICES
BLOCK GRANT PROGRAM

Section

120.10	Legislative Base
120.20	Purpose and Scope
120.30	Definitions
120.40	Allocation
120.50	Grant Application Requirements
120.55	Grantee Termination <u>or Reduction in Funding</u>
120.60	Grantee Selection
120.70	Required Board Structure
120.80	Administrative Requirements
120.90	Nondiscrimination
120.100	Complaint Process
120.110	Program Types – Description
120.115	CSBG Loan Programs
120.120	Eligibility Requirements
120.130	Limitations On Use of CSBG Funds
120.140	Incorporation by Reference

AUTHORITY: Implementing the Illinois Economic Opportunity Act [20 ILCS 625] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

SOURCE: Adopted and codified at 7 Ill. Reg. 2934, effective March 9, 1983; amended at 8 Ill. Reg. 6023, effective April 20, 1984; amended at 9 Ill. Reg. 10692, effective June 28, 1985; amended at 9 Ill. Reg. 18130, effective November 12, 1985; amended at 10 Ill. Reg. 8666, effective May 13, 1986; amended at 10 Ill. Reg. 8976, effective May 13, 1986; amended at 10 Ill. Reg. 21051, effective December 8, 1986; amended at 11 Ill. Reg. 5926, effective March 19, 1987; amended at 11 Ill. Reg. 7937, effective April 20, 1987; amended at 12 Ill. Reg. 751, effective December 28, 1987; amended at 12 Ill. Reg. 17311, effective October 17, 1988; amended at 13 Ill. Reg. 779, effective January 4, 1989; amended at 13 Ill. Reg. 13562, effective August 11, 1989; amended at 13 Ill. Reg. 14026, effective August 28, 1989; amended at 14 Ill. Reg. 13970, effective August 20, 1990; amended at 15 Ill. Reg. 16945, effective November 12, 1991; amended at 16 Ill. Reg. 3078, effective February 14, 1992; amended at 20 Ill. Reg. 4611, effective February 28, 1996; amended at 26 Ill. Reg. _____, effective _____.

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Section 120.10 Legislative Base

- a) Federal
- 1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). This Act established 7 block grant programs, including the Community Services Block Grant. These block grants replace a large number of programs previously administered by the Federal Government. The Omnibus Budget Reconciliation Act also transferred primary responsibility for the administration of the block grant programs to the ~~states~~ **States** and conferred substantial discretion on the ~~states~~ **States** as to use of the block grant funds.
 - 2) The Community Services Block Grant (CSBG) Act (Act) was enacted as Subtitle B of Title VI of the Omnibus Budget Reconciliation Act (Sections 671-683) and replaced the following programs formerly administered by the Community Services Administration under the Economic Opportunity Act of 1964 (42 ~~USC~~ **U.S.C.** 2701 et seq.):
 - A) Community Action/Local Initiative
 - B) Senior Opportunities and Services
 - C) Community Food and Nutrition
 - 3) The Omnibus Budget Reconciliation Act authorized to be appropriated \$389,375,000 for fiscal year 1982 and such sums as may be determined by Congress for the succeeding fiscal years to carry out the provisions of that Act.
 - 4) States were eligible to receive funds under the Community Services Block Grant on October 1, 1981.
- b) State
- 1) On September 9, 1981, the Governor officially requested the Secretary of the U. S. Department of Health and Human Services to delegate to the State responsibility for administering the Community Services Block Grant Program in Illinois. At this time, he also designated the Illinois Department of Commerce and Community Affairs as the ~~agency~~ **Agency** to administer the program for the State. On September 29, 1981, the Department of Commerce and Community Affairs submitted the application document consisting of the assurances and plan required under Section 675 of the law, and the pre-expenditure report for fiscal year 1982 as required by Section 1742(a).
 - 2) The State must hold at least one legislative hearing every three years in conjunction with the development of the State Plan (42 USC 99087(a)(3)).
~~After the expiration of the first fiscal year in which the State receives~~

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~~funds under the program, the State Legislature is required to conduct public hearings on the proposed use and distribution of Community Services Block Grant funds.~~

- 3) As part of its application, the State certified that it agreed to use funds available under the Community Services Block Grant:
- A) to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under Part A of Title IV of the Social Security Act (42 USC 601 et seq.), homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals; provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community where poverty is a particularly acute problem;
- i) to remove obstacles and solve problems that block the achievement of self-sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a State program carried out under Part A of Title IV of the Social Security Act);
- ii) to secure and retain meaningful employment;
- iii) to attain an adequate education, with particular attention toward improving literacy skills of the low-income families in the communities involved, which may include carrying out family literacy initiatives;
- iv) to make better use of available income;
- v) to obtain and maintain adequate housing and a suitable living environment;
- vi) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and
- vii) to achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to: document best practices based on successful grassroots intervention in urban areas, to develop methodologies for widespread replication; and strengthen and improve relationships with local law enforcement agencies, which

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- may include participation in activities such as neighborhood or community policing efforts;
- B) to address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as:
to provide activities designed to assist low-income participants including homeless individuals and families, migrants, and the elderly poor:
- i) programs for the establishment of violence-free zones that would involve youth development and intervention youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs; and to secure and retain meaningful employment;
 - ii) after-school child care programs; to attain an adequate education;
 - iii) ~~to make better use of available income;~~
 - iv) ~~to obtain and maintain adequate housing and a suitable living environment;~~
 - v) ~~to obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment related assistance;~~
 - vi) ~~to remove obstacles and solve problems which block the achievement of self sufficiency;~~
 - vii) ~~to achieve greater participation in the affairs of the community; and~~
 - viii) ~~to make more effective use of other programs related to the purposes of the Act;~~
- C) to make more effective use of, and to coordinate with, other programs related to the purposes of the federal statute (including State welfare reform efforts) (42 USC 9908(b)(1)(A)-(C));
- D)C) to provide on an emergency basis for the provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor;

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- ~~E)D)~~ to coordinate and establish linkages between governmental and other social services programs in order to assure the effective delivery of such services to low-income individuals; and
- ~~F)E)~~ to encourage the use of private sector entities of the community in efforts to ameliorate poverty in the community.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.30 Definitions

"Act" means the federal Community Service Block Grant Act.

"Administering Board" – a tripartite, community based administering board shall be established when a local government or combination of governments is the grantee. All related policies and decisions adopted and implemented by the governmental body shall be based upon recommendations of the administering board. This board shall be established in accordance with Section 120.70(b) of this Part as required in Section 676B(b) ~~675(e)(2)(B)(3)~~ of the Act.

"Community" – The geographic area served by the Grantee and may be a county, a city, or multi-county unit.

"Community Action Agency (CAA)" – A governmental or not-for-profit agency established to carry out anti-poverty activities and possessing a unique governing or administering board structure as outlined in Title 45, Code of Federal Regulations, October 1, 1979, Chapter 10, Section 1062 and Section 676B(a)(b) of the Act.

"Department" – The Illinois Department of Commerce and Community Affairs.

"Designating Official" – Chief elected official of the political subdivision encompassed by the CAA. If a multi-jurisdictional CAA, the designating officials ~~official(s)~~ shall be the highest elected official from each of the member political subdivisions.

"Eligible Entity" – Any organization that ~~which~~ was officially recognized as a Community Action Agency under the provisions of Section 210 of the Economic Opportunity Act of 1964 or recognized by the Governor or his duly authorized representative under the provisions of the Illinois Economic Opportunity Act and Sections ~~Section~~ 673 and 676A ~~675~~ of the Act.

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"Equipment" – Nonexpendable personal property having a useful life of more than one year and an acquisition cost of ~~\$5,000~~ ~~\$1,000~~ or more per unit.

"Grant Document" – Community Services Block Grant contract documents between the Department and the Grantee for a specific program period ~~that~~ ~~which~~ details the responsibility of each party.

"Grantee" – The local organization administering the Community Services Block Grant in a specified geographic area.

"Program Income" – Earnings by the grantee realized from grant supported activities.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.40 Allocation

- a) General Allocation – Under the conditions of the Community Services Block Grant, the State ~~disbursed~~ ~~has agreed to disburse~~, for fiscal year 1982 only, ~~not less than~~ 90 percent of the funds allotted thereto for purposes described in Section 120.10 (~~of this Part these rules~~) to eligible entities as defined in ~~this Part these rules or to organizations serving seasonal or migrant farmworkers~~; to disburse for fiscal year 1983, and for each subsequent fiscal year, not less than 90 percent of the funds allotted to the State in grants to eligible ~~entities~~ ~~grantees~~ as defined in ~~Sections~~ ~~Section~~ 673 and 675C of the Act and in Section 120.60 ~~or to organizations serving seasonal or migrant farmworkers~~; and to expend not more than 5 percent of its allotment for administrative expenses at the State level.
- b) Grantee Allocation for Calendar Year 1982 – The State ~~disbursed~~ ~~will disburse~~ 90 percent of the CSBG program funds to existing Community Action Agencies by a formula based on the average of two amounts: one calculated on the basis of the previous federal fiscal year ~~1981~~ ~~1982~~ Community Services Administration funding and the other amount based on the Grantee's jurisdictional share of the State's poverty population ~~according to the most recent decennial census~~.
- c) Grantee Allocation for Calendar Year 1983 and ~~Subsequent Fiscal Years~~ ~~Beyond~~ – The State will allocate 90 percent of the CSBG program funds to eligible ~~entities~~ ~~grantees~~ who collectively represent all of Illinois' 102 counties and the City of Chicago. Ninety percent of this allocation will be based upon the Grantee's jurisdictional share of the State's poverty population. The remaining ten percent will be ~~similarly~~ ~~allocated~~, ~~however~~, in such a manner as to best

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enhance the CSBG program objectives, and will include consideration of agency performance evaluations and State state program priorities. ~~For such period as required by law, not less than 90% of the CSBG funds will allotted to eligible entities as defined in these rules or to organizations serving seasonal or migrant farmworkers.~~

- d) CSBG Discretionary Funds – The 5% non-earmarked or discretionary funds will be used to fund various types of low-income assistance projects. This includes but is not limited to the following:
- 1) provide training and technical assistance to those entities in need of such training and assistance ~~and such activities will not be considered administrative expenses;~~
 - 2) coordinating ~~coordinate~~ State-operated programs and services, and at the option of the State, locally-operated programs and services, targeted to low-income children and families with services provided by eligible entities and other organizations funded under the federal statute this Subtitle, including detailing outposting appropriate employees of State or local agencies to public employees into entities funded under the federal statute this Subtitle to ensure increased access to services provided by such State or local agencies; and
 - 3) supporting statewide statement coordination and communication among eligible entities; ~~Additionally, the discretionary funding will be used to support continued training and technical assistance for grantees through the Illinois Community Action Association.~~
 - 4) analyzing the distribution of funds made available under the federal statute within the State to determine if such funds have been targeted to the areas of greatest need;
 - 5) supporting asset-building programs for low-income individuals, such as programs supporting individual development accounts;
 - 6) supporting innovative programs and activities conducted by community action agencies or other neighborhood-based organizations to eliminate poverty, promote self-sufficiency, and promote community revitalization; and
 - 7) supporting other activities, consistent with the purposes of the federal statute (42 USC 9907(b)(1)(A)-(G)).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.50 Grant Application Requirements

- a) Preapplication Requirements

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- 1) Applicants for "90% CSBG funding" as indicated in Section 120.40 will be required to meet certain requirements prior to submitting an application. These requirements are:
 - A) a properly structured and functioning tripartite board as indicated in Section 120.70;
 - B) an undelegated (to any other corporate entity) basic central administrative capacity to receive, hold, expend or transfer and account for federal and State assistance funds, to procure facilities, goods and services, to enforce delegation agreements and procurement contracts and to accept, use and account for contributions from non-federal sources;
 - C) an effective outreach and referral ~~outreach/referral~~ program;
 - D) a continuing planning process and capability;
 - E) a centralized fiscal management system; and
 - F) an effective citizen participation/community involvement program.
 - 2) Applications will not be processed nor grants awarded prior to the Department's review of the applicant's compliance in these five areas.
- b) Application Requirements
- In preparing its application for funding assistance under the CSBG program, the grant applicant is required to submit the following items:
- 1) Community Action Plan: ~~With its Prior to the~~ submission of an application for funding under the CSBG program, the applicant must submit a Community Action Plan which includes information identified in subsections ~~(b)(1)~~(A) through (G). Subsequent to the Department's receipt of the Community Action Plan, a letter will be transmitted acknowledging receipt and prescribing corrective action for any inadequacies in the plan.
 - A) Community Action Plan ~~Summary Narrative~~: This section is submitted annually and should summarize the entire Community Action Plan (CAP) and describe how CSBG funds are used to support the operations of the agency beyond the specific programs provided. Its purpose is to describe the agencywide or CSBG-specific process used to develop the Plan, how the Board, client population and the community were involved in the process, and type of data collected and provide narrative of the needs identified. The narrative is a reference summary for the major components of the Community Action Plan. Its purpose is to specify:
 - i) ~~the types of data collected;~~
 - ii) ~~research methods employed;~~
 - iii) ~~persons involved in the planning process and procedures;~~

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- iv) — ~~criteria used to rank problems, determine problem causes, establish priorities, and select strategies;~~
- v) — ~~problems/priorities to be addressed; and~~
- vi) — ~~strategies selected for implementation.~~
- B) ~~Needs Assessment: Community Action Agencies (CAAs) must conduct a community-wide needs assessment, including food and nutrition needs, of the low-income population. On an annual basis, the results of the survey, changes, and trends are to be submitted to the Department. Triennially, grantees must compile and analyze data such as demographics, family types, school dropout rates, availability of status of low-income housing stock, youth and domestic violence, and transportation availability and provide a narrative of the needs identified. This component compiles and analyzes quantitative and qualitative information regarding the area's poverty problems and needs (e.g., poverty population by sex, race, age; number of public housing units and occupancy by sex, race, age; welfare payment statistics by sex, race, and age). This section of the Community Action Plan must address the needs of the poverty community for food and nutrition.~~
- C) ~~Description of the Service Delivery System: The Community Action Plan should identify the service delivery in the CAA service area that is targeted toward low-income citizens. It should also identify the accessibility and effectiveness of that system in meeting the needs of low-income clients. This component is to be submitted with the triennial comprehensive CAP and updated annually if there are significant changes in the service delivery system. This part identifies the service delivery systems in applicant's service area that is targeted toward low-income citizens and makes an analysis of the accessibility and effectiveness of those systems.~~
- D) ~~Description of Linkages: The CAP must contain a description of how the agency reaches out to its client community and how it provides information and referral services, case management and follow-up to ensure comprehensive services to its low-income population. This component is to be submitted with the triennial comprehensive CAP and be updated annually if the process changes. This component describes how linkages will be developed to fill identifiable gaps in services to the poverty community through information, referral, case management and follow-up.~~

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- E) Coordination: This section describes how CSBG funded services are coordinated with other resources (internal and external), how the coordination is accomplished (both formal and informal), and identify any local groups the agency participates in that enhances coordination. This section is submitted with the triennial comprehensive CAP and updated annually if there are significant changes in coordination. funding under the CSBG Act will be coordinated with other resources and specifically who the coordination includes and how it will be accomplished.
- F) Community and Neighborhood-Based Initiatives Outcome Measures: This section is a requirement that should describe how the agency will use funds to support community and neighborhood-based initiatives, which may include fatherhood initiatives, or other initiatives with the goal of strengthening families and encouraging effective parenting. This section should be submitted with the triennial comprehensive CAP and updated annually if there are significant changes in the initiatives. describes the outcome measures to be used to evaluate the success of the applicant in promoting self-sufficiency, family stability and community revitalization.
- G) Youth Programming: This Section is a new requirement that should describe how the agency will address the needs of youth in low-income communities through youth development programs that support the primary role of family, give priority to the prevention of youth problems and crime and promote increased community coordination and collaboration in meeting the needs of youth. This Section should be submitted with the triennial comprehensive CAP and updated annually if there are significant changes in the programming and coordination.
- H) Outcome: This Section describes the outcome measures to be used to evaluate the success of the applicant in promoting self-sufficiency, family stability and community revitalization. This Section is to be addressed annually.
- 2) Affirmative Action Plan: The applicant agency must submit an affirmative action plan with prior to its annual application for assistance. The affirmative action plan may follow such format as designed by the applicant, but must include information required by the Department.
- 3) Annual Work Plan Program: The work program will narrate the objectives and activities proposed to be undertaken with grant funds. The work program will detail specific annual CSBG goals, objectives that

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- ~~include including~~ performance and outcome measures, the activities proposed to meet each objective, ~~the agency responsible for carrying out the activity (if other than the grant recipient),~~ and the costs to be incurred in carrying out the activities (including non-CSBG costs).
- 4) Annual Budget: The applicant shall submit a grant budget by cost categories and line items; on ~~the~~ budget forms provided by the Department. ~~As a result of problems with past audits, inexperience of the Department in dealing with the agency, lack of a cost allocation plan, or other related incidents, the Department may require that a complete annual budget be submitted which provides budget detail on all of the applicant's programs and sources of funding.~~
- 5) Cost Allocation Plan: The Department requires grantees who do not have a negotiated indirect cost rate under the jurisdiction of a federal cognizant agency to submit an annual cost allocation plan either for a calendar year or in conjunction with the Grantee's corporate year.
- ~~65)~~ Assurances and Certifications: The applicant will be required to assure compliance with cost and accounting standards of the Office of Management and Budget in addition to certifying its compliance with all applicable State state and federal laws and regulations dealing with the receipt and expenditure of grant monies.
- c) Application Schedule
At least 30 days before the beginning of its funding year: applicants must submit the Community Action Plan, Affirmative Action Plan, Annual Work Program, Annual Grant Budget, Board information, corporate status documentation and bylaws and ~~supporting documentation~~ to the Department.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.55 Grantee Termination or Reduction in Funding

For the purpose of this Part, Section 676 (Assurance 13) and 678C of the Act, administrative requirements ~~of specified in~~ 47 Ill. Adm. Code 1.110, and the provisions of this Section as follows are applicable.

- a) Any Community Action Agency (CAA) shall not have its funding reduced or terminated and shall be awarded continuing CSBG program administering responsibilities in its established jurisdiction unless one or more of the following shall occur; ~~either established (i.e., local designation and state recognition) under the Community Services Block Grant Act (the Act) or under the Illinois CSBG program in accordance with the Act and the Illinois Economic Opportunity Act, will be awarded continuing CSBG program administering responsibilities in its~~

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~~established jurisdiction unless the following shall occur:~~

- 1) written communication to the Department stating its desire to discontinue operation of the program; ~~or~~
- 2) material failure by the CAA to comply with Sections 673, 675, ~~676 677,~~ and ~~678 680~~ of the Act and 45 CFR ~~96; and 96.30, 96.51, 96.90, and 96.91~~ (October 1, 1990); ~~the provisions of the grant agreement; the provisions of 47 Ill. Adm. Code 1 and 120. Material failure includes, but is not limited to, fraud, disallowance of costs which could render a CAA insolvent, and denial of access to records of grant-related transactions.~~
- 3) Failure to comply with provisions of the grant agreement and the provisions of this Part.

Examples of material failure and failure to comply include, but are not limited to, fraud, disallowance of costs that could render the CAA insolvent, denial of access to records of grant-related transactions, false reporting, serving ineligible clients, not meeting State-mandated service priorities and disregard for timeliness and accuracy in the submittal of grant required documents.

- b) Upon discovery of one of the conditions noted in subsection (a), the Department will take the following action:

- 1) For reduction in funding, other than due to allocation changes, the Department will notify the CAA in writing of its initiation of the reduction, stating the reason, the amount and the process, including corrective action provisions when applicable, and appeal provisions. The Department shall notify the CAA in writing of its initiation of the termination process and the reasons for termination. The notice will advise the CAA that, in accordance with this Part and Section 675(c)(11) of the Act, it is entitled to a hearing. The CAA will be given fifteen (15) days from receipt of such notification to inform the Department that it wishes to exercise its right to a hearing. The hearing will be conducted within thirty (30) days of the original notification of initiation of the termination process. The notification shall also include:
 - A) ~~a requirement that the CAA (in order to receive continued CSBG funding) shall agree to submit to a Department appointed official throughout the termination process as a reviewer of all CSBG related expenditures of the CAA. The only costs that will be approved by the Department official are those expenditures which are reimbursable under Section 120.80(a) and which comply with the objectives and program activities specified in accordance with Section 120.50(b)(4); or~~
 - B) ~~in the event the CAA does not agree to submit to the Department review specified in subsection (b)(1)(A), notice of funding~~

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~~suspension pending termination pursuant to these rules. (Simultaneous with suspension notice to CAA's, the Department will notify the U.S. Department of Health and Human Services of same and the Department will advise the suspended CAA of its right to seek direct funding from the U.S. Department of Health and Human Services.)~~

- 2) For termination of funding, the Department will provide notice to the CAA of the deficiency causing the initiation of termination proceedings, require the agency to correct the deficiency, and offer training and technical assistance to the agency to assist in correcting the deficiency. The notice will also advise the CAA of its right to a hearing on the matter in accordance with Section 678C of the Act and this Part. If the Department is concerned with potential audit disallowances, it will advise the CAA that in order to receive continued CSBG funding throughout the termination process, it must agree to submit to a Department appointed official as a reviewer of all CSBG-related expenditures. The only CSBG costs that will be approved by the reviewer are those that are allowable under this Part. In the event that the CAA does not agree to the Department's review of expenditures, notice of funding suspension pending termination will be provided to the CAA and simultaneously to the Secretary of the U.S. Department of Health and Human Services. The Department will also advise the CAA of its right to seek direct funding from the U.S. Department of Health and Human Services. The services of a hearing officer, who must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 110A, pars. 701-774), will be obtained by the Department, as will the services of a certified shorthand reporter under the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat. 1989, ch. 111, pars. 6201 et seq.). Notice of the actual hearing time and date will be provided, with proof of receipt of notice, to both the CAA and grantor agency at least ten (10) days prior to the hearing. The cost for the hearing officer and the services of the certified shorthand reporter and the original transcript of the proceedings shall be borne by the Department. The CAA shall bear the cost of its copy of the transcript of proceedings.
- c) The hearing shall be conducted in accordance with the Department's administrative hearing rules found at 56 Ill. Adm. Code 2605. Article 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-5 et seq.). The report of the hearing officer will be sent via registered mail to both parties within thirty (30) days of the hearing's completion.
- d) The Director of the Department will review the hearing officer's recommendation

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and will base his/her decision on findings of fact and conclusions of laws that substantiate grant termination pursuant to Section 120.55(a). The Department will notify the CAA of the Department's final determination ~~within thirty (30) days.~~

e) Secretary's Review

If the Department's decision is to terminate funding to the CAA, the Department shall also, with its notice to the CAA, advise the CAA of the provisions for review of the termination proceedings by the Secretary of the Federal Department of Health and Human Services pursuant to Section ~~676(A)~~ 678C of the Act.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.60 Grantee Selection

- a) In areas of the State where the grantee's CSBG funding has been terminated in accordance with Section 120.55, the Department will initiate a process to select a successor agency in accordance with Sections 673 and ~~676~~ 675 of the Act. The grantee selection process will be initiated in a timely manner (process to select successor agency as defined in this Section shall not exceed 120 days) so as not to cause undue program delays or interruptions.
- 1) The following are eligible for CSBG 90% funding:
- A) Any organization which was officially recognized as a Community Action agency (CAA) under the provisions of Section 210 of the Economic Opportunity Act of 1964 as amended, unless such organization lost its recognition as a result of failure to comply with the Act. ~~(CAA's have a required minimum population base of 50,000.)~~
- B) Any organization officially recognized as a CAA by the Governor, or his duly authorized representative, under the provisions of this Part and in accordance with the Illinois Economic Opportunity Act. Organizations eligible for State CAA recognition include:
- i) Any non-profit private community organization serving a jurisdiction of at least 100,000 ~~50,000~~ population, designated by the governments of the jurisdiction, determined to be capable of planning, conducting and administering a community services program under criteria described in Section 120.50 and having a Board which meets the provisions outlined in Section 120.70 ~~of these rules.~~
- ii) Any city within the State with a population in excess of

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100,000 or a county or group of contiguous counties with a minimum population base of ~~100,000~~ 50,000. The governmental unit must be capable of planning, conducting and administering a community services program under criteria described in Section 120.50 and must have an Administering Board in accordance with Section 120.70. (The 100,000 population base referenced in subsections (a)(1)(B)(i) and (ii) is waived for CAAs designated and recognized prior to this amendatory rulemaking.)

- 2) Notification and Special Solicitation
 - A) The Department shall notify, in writing, each contiguous existing CSBG eligible entity and others within reasonable proximity (corporate headquarters of the eligible entity is within 50 miles of the boundary of the area to be served), that the area is presently unserved by the CSBG program, and the Department is seeking a successor agency. In its notification, the Department shall advise the agency to request, if interested, an application package in order to apply for CSBG service provision in the area to be served. The agency shall have 10 days from date of notice to request the application package. The requests shall be directed to the Manager of the Division of Economic Opportunity.
 - B) The Department will allow the requesting agency 45 days from the date of mailing the application package, to complete the application and submit three copies to the Department. The Department will adhere to this 45 day period, unless the agency which requested the application package communicates to the Department its lack of interest in applying.
 - C) The Department will respond in writing indicating acceptance or rejection of any application from an existing eligible entity within 10 days ~~of~~ after receipt of the application.
 - D) If the special solicitation period for the existing eligible entities produces no interest or no acceptable service delivery applications (applications did not meet the criteria specified in Sections 120.50 and 120.60(a)(3)), the Department will solicit applications from organizations within the service delivery areas as specified in subsections (a)(1)(B)(i) and ~~(B)~~(ii) of this Section.
- 3) Application Contents

In addition to the requirements found in Section 120.50, the application for CSBG service delivery shall include the following:

 - A) The applicant must demonstrate the support of the public, private

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- and client sectors of the population in the service delivery area (e.g., results of public hearings, letters of support).
- B) The applicant must obtain the formal designation (documented resolution) or intent to designate from the principal governing ~~bodies~~ ~~body(ies)~~ in the service delivery area.
- C) The application must include detailed information on how the required community action agency board will be constituted (see Section 120.70). (For existing eligible entities applying for the new service delivery area, this information must specify how the representatives of the new area will become a part of the of the applicant's existing CSBG administering/governing board.)
- D) The application must demonstrate how service delivery will be made available to all geographic areas of the service delivery area and how all elements of the area's eligible population will be reached.
- E) The applicant agency must supply the following information ~~that~~ ~~which~~ describes its base and purpose:
- i) statement of the mission of the agency;
 - ii) organizational chart of the agency; and
 - iii) written assurances that the applicant agency is a legally established entity with authority to operate in the service area for which the application is being submitted.
- F) The applicant agency must supply the following information ~~that~~ ~~which~~ describes agency experience:
- i) a history;
 - ii) a description of past experience (if any) in providing services to the proposed target group (i.e., impoverished population); and
 - iii) a description of services currently delivered by the agency ~~that~~ ~~which~~ are related or complementary to this program.
- G) The applicant agency must provide the following information regarding its Equal Employment Opportunity/Affirmative Action Policies:
- i) written documentation which indicates compliance with equal opportunity and affirmative action regulations (Affirmative Action Plan, see Section 120.50(b)(2)); and
 - ii) the applicant must supply a written statement as to whether the applicant has been party to any proceedings or litigation with regard to equal employment opportunity or affirmative action investigations or complaints conducted by or filed

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with the Illinois Department of Human Rights or the U.S. Equal Employment Opportunity Commission. If so, a description of the nature of the investigation or complaint and the case resolution or anticipated date of resolution if such case is pending.

- 4) Application Format
The format for the application will be in accordance with Section 120.50~~(b)(1) through (5)~~. Forms will be provided by the Department and will be a part of the application package provided to the applicant.
- 5) Evaluation of Applications
 - A) Applications must meet all the requirements of Sections 120.50 and 120.60(a)(3) to be placed in consideration for funding.
 - B) The decision process will include an evaluation of the following agency attributes:
 - i) ability to conduct multiple programs, with a variety of staff members and funding sources;
 - ii) have traditionally served impoverished populations in their area (e.g., low-income minorities, youth, elderly, etc.);
 - iii) have coordinated their programs with other area antipoverty programs;
 - iv) have included the recipients of their services in agency decision-making (see Section 120.70~~(b)(1)(B)~~);
 - v) have the support of the local governments of the counties ~~that county(ies) which~~ shall be evidenced through formal resolutions, letters of endorsement;
 - vi) can demonstrate that they have effectively provided those services to their clients that are specified by the agency's mission (e.g., agency performance records);
 - vii) provide the highest ratio ~~ratio~~ between the amount of grant funds to be used for direct services and the amount to be used for administrative expenses (i.e., project low administrative costs);
 - viii) propose multiple programs which emphasize the priorities of the Department (see Section 120.110);
 - ix) address specific local needs (e.g., job creation, housing, education);
 - x) have well-defined outcome measures that can be monitored and used to evaluate the success in promoting self-sufficiency, family stability, and community revitalization;
 - xi) utilize CSBG funding to leverage other funds and services

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- that will benefit the poor in the community; and
- xii) propose coordination and form partnerships with other low-income residents of the communities, including religious organizations ~~human service programs~~.
- C) Applications must address one or more of the program priorities described in Section 120.110, with the highest priority being placed on economic development programs which create jobs.
- D) The Department will give special consideration, in its selection, to agencies with prior experience in operating similar or other Department funded programs and with documented records of compliance with rules, regulations, and grant conditions relating to their program operation.
- E) The Department will conduct and give special consideration to the results of a public hearing in which ~~wherein~~ competing agencies are provided the opportunity to present their case for selection to the public in the area to be served by the program.
- F) The Department will consult with and take into account the recommendations of the principal governing bodies ~~body(ies)~~ in the service delivery area.
- G) The final decision will be based upon the weight of the facts and recommendations found in subsections (a)(5)(A)-(F). The most effective, efficient and well coordinated program delivery system available will be selected.
- b) Interim Service Provision
When the CSBG funding of an eligible entity is suspended, pending termination (in accordance with Section 120.55) and expected to undergo federal review, appeals, and/or litigation, the Department will, within 30 days after ~~of~~ its decision to terminate funding, initiate the following steps to establish an interim provider.
- 1) First preference for interim service provision will be given to a fiscal/operating agreement with the Illinois Community Action Association (ICAA). The Department will select another interim service mechanism only if the ICAA declines or if agreement cannot be reached on the interim services contract.
- 2) Establish the services for an interim period through a fiscal/operating agreement with:
- A) a contiguous Community Action Agency, or
- B) contracted services of a local public or not-for-profit agency with experience in human service delivery (e.g., Head Start Program, Food Commodity Program, and Women, Infants, Children (WIC) Program), or

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- C) directly provide the services.
- c) Discretionary Funding Eligibility
CSBG discretionary funds may be awarded to entities other than those listed in this Part when it is determined by the Department to be in the best interest of the CSBG program and consistent with the Governor's CSBG assurances and Section 120.40~~(d)~~ of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.70 Required Board Structure

- a) Grantee Board Requirement
- 1) Each Grantee participating in the "90% funding" category of the Community Services Block Grant Program is required to establish a broadly representative Board of Directors as outlined under section Section-211(a) of the Economic Opportunity Act of 1964, as amended, and as required in Section 676B of the Act.
 - 2) When a private non-profit corporation or a separate public agency is the Grantee, the Board of Directors is a Governing Board with full corporate powers and authority~~the governing board~~. When a local government or combination of governments is the Grantee, it shall operate the its-program must be administered through an Administering Board with powers and responsibilities delegated to it by the local governments-a community based board.
- b) Composition of the Board
- 1) The Grantee must certify that its governing or administering board will be constituted so as to assure that:
 - A) ? one-third of the members of the board are elected public officials, currently holding office, or their representatives, except if the number of elected officials reasonably available and willing to serve is less than ? one-third of the membership of the board, membership on the board of appointive public officials may be counted in meeting the ? such one-third requirement; public officials shall be appointed by and serve at the pleasure of the designating officials-official(s);
 - B) not fewer than ? of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families (see Section 120.120 of this Part) in the neighborhood served; at least one-third of the members are persons chosen in accordance

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- ~~with democratic selection procedures adequate to assure that they are representative of CSBG eligible clients (per Section 120.120(a)(1) of this Part) in the area served; and~~
- C) ~~each representative of low-income individuals and families selected to represent a specific neighborhood within a community under subsection (b)(1)(B) resides in the neighborhood represented by the member; and~~
- D)~~E)~~ ~~the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, welfare, education, or other major groups and interests in the community served (42 USC 9910(a)(2)(B)-(C)). Once an organization is selected, it shall choose the person to represent it on the board.~~
- 2) The board shall have at least ~~fifteen (15)~~ and no more than ~~fifty one (51)~~ members. It shall meet at least ~~four (4)~~ times a year and maintain official meeting records.
- 3) Tenure for board representatives described in subsections Sections 120.70(b)(1)(B) through (D) ~~and (C) of this Part~~ shall be at the discretion of the local entity.
- 4) If a Grantee grantee-board is determined by the State, to be improperly seated, the State will prescribe necessary remedial action. The notice of finding and required corrective action shall be provided the Grantee grantee in writing. The Grantee grantee shall have 30 days from notice to bring the board into compliance with this Section these rules. Failure by the Grantee grantee to fully respond to the corrective action demand will result in grant termination procedures as specified in Section 120.55 of this Part.
- 5) The board shall establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation (42 USC 9908(b)(10)).
~~Title 45 of the Code of Federal Regulations, October 1, 1979, Chapter X Part 1062 will be referenced by the state for additional board structure guidance.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.80 Administrative Requirements

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For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and ~~this Section as follow~~ are applicable.

- a) Compensation – The Grantee cannot be reimbursed for costs which exceed the total approved budget. If the Grantee believes its operation for the grant period will exceed a budgeted line item or cost category, it shall request approval of the Department in writing and give justification for the requested variation prior to exceeding any approved budget line item or cost category. However, Program Support and Client Assistance cost categories and all inclusive line items may vary up to 20% from the approved budget amount. In no event shall the Administration cost category be increased without prior written approval from the Department and the Special Category may only be increased. The Department will grant approval to modify budgeted amounts when the modification is necessary to achieve program objectives.
- b) ~~Carry-over Unexpended Funds—CSBG fund balance from the previous fiscal year will be, subject to written approval of the Department, carried into the grantee's succeeding fiscal year CSBG program. The carry over funds will not reduce the succeeding fiscal year allocation, but the carry over amount should not exceed 20% of the agency's annual CSBG allocation and the succeeding year's work program must reflect additional planned program achievements with reasonable probability of accomplishing those planned achievements so as to eliminate future substantive unexpended balances.~~
 - 1) Unexpended Funds – CSBG fund balance from the previous fiscal year will be, subject to written approval of the Department, carried into the Grantee's succeeding fiscal year CSBG program. The carry-over funds will not reduce the succeeding fiscal year allocation, but the carry-over amount should not exceed 20% of the agency's annual CSBG allocation and the succeeding year's work program must reflect additional planned program achievements with reasonable probability of accomplishing those planned achievements so as to eliminate future substantive unexpended balances.
 - 2) Limitation Waiver – CAAs may request the Department to waive the 20% limitation when unforeseen circumstances, such as a project not materializing, high staff turnover or other similar reasonable causes contributed to an excess carry-over. If the CAA has no reasonable excuse for the excess carryover, the Department will allow the CAA to reprogram the total carry-over amount, including excess, for one succeeding year. If the CAA violates the 20% limitation the second succeeding year, without a valid, reasonable excuse, the Department will deobligate the excess funds and redistribute them to CAAs, through either a competitive, pilot program solicitation or formula allocation process.

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- 3) Economic Development Requirement (Section 120.110(b)(1)) Carry-over Exception – CAAs are considered by the Department to be not in compliance with their grant agreement when during the grant period they spend less than 50% of their required 10% earmark for job creating economic development (Budget Category “D” funds). In this case, the entire remaining Category “D” balance will be excluded from allowable carry-over and will be deobligated by the Department. CAAs that spend at least 50%, but less than the earmarked amount, will be required to place that carry-over portion into Category “D” of the subsequent grant agreement.
- c) Reporting
- 1) Monthly Reports – ~~An an~~ expenditure report shall be submitted to the Department at the time of each cash request, but no less frequently than the ~~10th 15th~~ calendar day of each month after the first month of ~~the this~~ grant period. The report shall be in a format established by the Department and shall contain such financial information required by the Department.
 - 2) Quarterly Reports – A Quarterly Program Report, prepared in a form and manner prescribed by the Department, shall be submitted to the Department by the ~~30th 15th~~ day following the end of each calendar quarter.
 - 3) The Grantee shall submit other programmatic reports as may be required by the Department.
- d) Subcontracts and Subgrants – The Grantee’s services, duties and responsibilities under CSBG shall not be subcontracted or subgranted by the Grantee without prior written approval of the Department. Any subcontracts or subgrants shall be subject to and conform with all applicable State and federal laws and the terms and conditions of Department grant agreements. Contractual Services—All contractual services require prior approval of the Department. Grantees will request approval of contractual services as part of the annual budget process and in any subsequent modifications to the contractual services line item of the budget. Requests to expend funds for contractual services will be approved when the following conditions are met:
- 1) ~~services respond to a demonstrated need (i.e., legal services, transportation, licensed drug/alcohol counseling);~~
 - 2) ~~services are not duplicative of existing program services;~~
 - 3) ~~the Grantee assures the reasonableness of the costs for the services in accordance with applicable OMB circulars; and~~
 - 4) ~~services benefit low income participants in accordance with Section 120.10(b)(3)(B) of this Part.~~

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- e) Publication, Reproduction and Use of Material – Any publication produced as a result of a CSBG grant shall include in its title page the following citation: "This project was conducted with funds provided by the Illinois Department of Commerce and Community Affairs and does not necessarily represent in whole or in part the viewpoint of the Illinois Department of Commerce and Community Affairs."
- f) Assurances – The State and Grantees must comply, as applicable, with the provisions of section Sections 676(b)(1) through (13) 675(e)(2)(B)(6) through (10) of the Act.
- g) Monitoring – In order to determine whether grantees meet the performance goals, administrative standards and financial requirements established by the State, the Department shall conduct the following reviews of grantees:
- 1) a full onsite review at least once every 3 years;
 - 2) an onsite review of each newly designated grantee during or immediately after the completion of the first year of funding; and
 - 3) follow up reviews including prompt return visits to grantees that fail to meet the goals, standards and requirements established by the Department (42 USC 9914(a)).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.90 Nondiscrimination

- a) Equal Employment Opportunity
- 1) In carrying out the program, the Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, age, physical or mental disability handicap unrelated to ability, marital status, or unfavorable discharge from military service. The Grantee shall take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, ancestry, age, physical or mental disability handicap unrelated to ability, marital status, or unfavorable discharge from military service. Such action shall include, but not be limited to, the following: recruitment, advertisement, application, interview, medical inquiry, employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, promotion, training, layoff, benefits, and privileges of employment, and selection for training, including apprenticeship. The Grantee shall post in conspicuous places, available to employees and

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applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The Grantee shall state that all qualified applicants shall receive consideration for employment without regard to race, color, religion, sex, national origin, ancestry, age, physical or mental ~~disability handicap~~ unrelated to ability, marital status, or unfavorable discharge from military service. The Grantee shall incorporate the foregoing requirements of this ~~subsection paragraph~~ (a) in all of its contracts for program work.

- 2) The Grantee shall cause or require to be inserted in full in any contract and subcontract for work, or modification thereof, all applicable ~~federal~~ **Federal** and State Equal Employment Opportunity Provisions.
- b) Discrimination – The Grantee shall refrain from unlawful discrimination in employment and shall undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [~~775 ILCS 5](Ill. Rev. Stat. 1989 and 1990 Supp., ch. 68, par. 1-101 et. seq.)~~. The Grantee shall also adhere to the nondiscrimination provisions of rules issued by the Illinois Department of Human Rights entitled "Procedures Applicable to All Agencies" (44 Ill. Adm. Code 750. Appendix A); Section 504 of the Rehabilitation Act of 1973 (29 ~~USC U.S.C.~~ 794); the Age Discrimination Act of 1975 (42 ~~USC U.S.C.~~ 6106-6107); Title VI of the Civil Rights Act of 1964 (24 CFR Part I) ~~as amended in 1991~~; Title IX of the Education Amendments of 1972 (20 ~~USC U.S.C.~~ 1134); Section 677(a) of the Act; Executive Order 11246 (30 FR 12319, September 24, 1965) as amended by Executive Order 11375 (32 FR 14303, October 13, 1967); and Title VIII of the Civil Rights Act of 1968 (42 ~~USC U.S.C.~~ 3601).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.100 Complaint Process

In the event of an Applicant, Grantee, or CSBG program eligible client complaint, the Department will follow the procedures outlined in the ~~56 Ill. Adm. 2605 47 Ill. Adm. Code 10~~, with the exception of complaints relating to funding termination of Community Action Agencies. Those complaints and appeals will follow the process described at Section 120.55 of this Part which is in accordance with the federal Community Services Block Grant Act.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.110 Program Types-Description

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- a) General Program Purposes – The Grantee will use the Community Services Block Grant available through the State of Illinois for purposes as described under Section ~~676~~ 675(e) of ~~the Act P.L. 97-35 (See State Administration of the Federal Community Services Block Grant Program (Section 120.10))~~.
- b) Program Priorities – The Department's priorities parallel those of the Act, and fall into the following categories:
 - 1) Economic Development – Reflecting the importance of a community's economic viability for the poor, the Department has placed its highest CSBG priority on job creating economic development programs which result in the employment and self-sufficiency of low-income persons. Each CAA designs and operates an individualized economic development program. ~~At least 10~~ Ten to fifteen percent of each CAA's annual CSBG funding is allocated for economic development/job creation activities. Most CAAs operate a loan program through which below market rate loans are made for business expansion and start-up which results in the hiring of low-income persons. Various other job-creating activities are undertaken, including self-employment training.
 - 2) Education – Recognizing the importance of education in breaking the cycle of poverty, priority is given to education programs which are designed to increase the capability of the poor to function productively in society. A broad spectrum of educational assistance is provided through the CSBG program. Specific examples include: workplace orientation, vocational skills training, family planning education, cultural opportunities for disadvantaged children, energy conservation education, post-secondary education scholarships, GED assistance for high school dropouts, adult and youth literacy training and nutrition education for single parents and the elderly.
 - 3) Income Management – Counseling and instructing low income individuals and families in the management of their income is an acceptable program activity. This could take the form of addressing consumer education issues, assistance in preparation of federal and State income tax reports, and the provision of workshops on income savings measures. Many CAAs offer programs to encourage better use of available income. A majority of this assistance is in the form of family budget counseling. Information also is provided through workshops or brochures on such topics as financial management, credit, income taxes and Social Security.
 - 4) Housing – The primary housing activities include aid to renters seeking a residence, landlord/tenant rights education and arbitration, information about purchasing/financing a home, packaging housing and housing rehabilitation loans and providing for minor energy efficiency or health

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and safety related home repair. These activities may be linked with other housing related assistance in the community, such as the Energy Assistance and Weatherization programs.

- 5) Emergency Assistance – Recognizing that crisis situations (~~some generally~~ life threatening) frequently occur within the low income population, priority is given to programs that intervene for purposes of alleviating the crisis situation. Most CAAs maintain clothes closets and food pantries, many of them in conjunction with other community groups and local churches. Some agencies provide redeemable vouchers or grants to clients that enable them to meet immediate and urgent family needs such as health services, nutritious food, housing, employment-related assistance, day care, medical services and transportation.
- 6) Nutrition – Poor nutrition and/or lack of proper diet are often synonymous with the effects of poverty. Activities designed to increase eligible clients' awareness of proper diet and food preparation is a concern to the total community. CSBG funding is a primary resource for leveraging and providing nutritional assistance. Typical programs include: federal surplus food distribution, community gardening projects, food banks, senior citizen and youth feeding projects, Christmas food packages and assistance in accessing food stamps, WIC and other nutrition-related programs. These activities may include the storing and distribution of surplus United States Department of Agriculture (USDA) agricultural commodities; preparation and service of hot meals; food baskets; and programs designed to prevent malnutrition.
- 7) Linkages – CSBG funding regularly supports extensive outreach, information and referral services, transportation services, youth recreation and self-sufficiency programs for low-income citizens.
- 8) Self-Sufficiency – Many CAAs provide for comprehensive family case management programs that promote, empower and nurture family members toward self-sufficiency.
- 9) Health – CAAs provide many health related activities in the form of transportation to medical services, medical/dental screening, immunization, drug and alcohol abuse prevention and other services which promote good health.
- 10) Community Involvement – CAAs conduct programs to encourage and facilitate low-income clients to achieve greater participation in the affairs of their communities, including the development of local partnerships with law enforcement agencies, schools, housing authorities and private sector businesses, clubs and other community organizations.
- 11) Youth Development Programs – CAAs conduct programs that support the

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primary role of the family in youth development and the prevention of youth problems and youth crime. Additionally, programs such as after school child care and linking grade school students with senior mentors and tutors are targeted to preteen youth.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.115 CSBG Loan Programs

- a) CSBG Revolving Loan
- 1) CSBG funds are loaned through Grantees to an Illinois business in a separate but companion agreement to a conventional loan.
 - 2) The CSBG loan represents no more than 49% of the total loan package (combined borrowing and equity).
 - 3) The conventional loan is obtained from a licensed Illinois lending institution.
 - 4) The benefiting local government and/or other public resources may be used in the project.
 - ~~5)4)~~ The CSBG loan term may not exceed 10 years but may be for a shorter term at the discretion of the Grantee.
 - ~~6)5)~~ CSBG Loan interest rate (Fixed-Flexible option)
 - A) When ~~The~~ CSBG grant funds are used, the loan shall have a fixed interest rate of no more than Prime plus 4% (“Prime” as used in this subsection (a)(6) is the National Prime Interest Rate as published in the Wall Street Journal on the date the parties agree to the loan provisions). 5%; or
 - B) When recaptured funds are used from a previous CSBG loan, the loan shall have a fixed rate of no more than Prime plus 4%. At the grantee's option, the interest rate to the borrower may be set at loan inception at a rate not to exceed ½ of the Prime Interest Rate (National Prime Rate as shown on that date in the Wall Street Journal). This calculated rate shall become the loan's fixed interest rate for a one year period. Thirty days before the annual anniversary date of the loan, the Grantee shall notify the borrower of the interest rate to be charged for the next year (based on ½ of Prime at date of notice). The annual interest rate under this flexible option shall never exceed the original interest rate (ceiling) and the Grantee may set a minimum (floor) interest rate of 5% or less for the duration of the loan.
 - ~~7)6)~~ The CSBG financing must be committed simultaneously or prior to the

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closing of other financing.

b) Hiring and Job Retention

1) Establishing a Pre-Loan Base Number of Employees – The Grantee shall have the right to review the borrower's employment ~~verification~~-records at the time of the loan closing to establish the pre-loan employment level in order to assure that no personnel cuts were made by the business in anticipation of the pending loan and its hiring requirements.

2) Hiring Requirements

A) Businesses accepting CSBG loan funds must hire at least one new full-time equivalency (minimum 37½ hour work week, averaged annually) CSBG eligible (in accordance with Section 120.120) employee for each ~~\$20,000~~ ~~\$10,000~~ or any portion thereof of CSBG monies borrowed.

	Minimum
Example: \$1- \$20,000 \$10,000	1 Job
\$20,001-\$40,000 \$10,001-\$20,000	2 Jobs
\$40,001-\$60,000 \$20,001-\$30,000	3 Jobs; or

B) The Department will allow, based on presentation of written verifiable jobs (to be created) salary data submitted as part of its loan application, the Grantee to set the amount loaned per job at 75% of the entry level salary (which may include non-required benefits) for each job ~~up to a maximum of \$20,000 per job~~. (For example: an entry level salary of ~~\$50,000~~ ~~\$40,000~~ would warrant lending of ~~\$37,500~~ ~~\$20,000~~; a ~~\$60,000~~ ~~\$20,000~~ entry salary would warrant lending of ~~\$45,000~~ ~~\$15,000~~; a ~~\$10,000~~ ~~\$7,000~~ entry salary would warrant lending of ~~\$7,500~~ ~~\$5,250~~.) The Department will, upon request, consider the inclusion of fringe benefits (e.g., health insurance) in the salary calculation. (~~Any~~ ~~No~~ combination of subsections (b)(2) (A) and (B) ~~of this subsection (b)(2)~~ is allowed. ~~The Grantee shall choose one method or the other.~~)

C) If part-time employment is involved in the created jobs (under either subsection (b)(2) (A) or (B) ~~of this subsection (b)(2)~~), the full-time equivalency shall be no more than two employees making up one 37½ hour work week.

D) A hiring schedule must be a part of each loan agreement. The required hiring must be completed within the first 24 months of the loan, with at least 50% of the new employees hired in the first 12 month period. (For purposes of this hiring timeframe, the loan is

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considered consummated the date the borrower first receives the loan funds.)

- E) The job positions for CSBG eligible clients created by the loan must be retained and filled by an eligible client for at least 24 months from the date the job was first created. Grantees should attempt to retain the availability of the loan-created jobs for CSBG eligible clients over the full loan term by maintaining professional contact (~~e.g., Job Training Partnership Act job referrals, Targeted Jobs Tax Credit Program~~) with the business and tracking the jobs. Grantees, through their individual loan agreements, may negotiate more restrictive hiring requirements than stated in this subsection (b)(2).
- c) **Loan Fund Use**
CSBG funds loaned may only be used to purchase machinery, equipment or inventory or to provide working capital. CSBG loans may not be used to purchase or improve real property (per Section 120.130 of this Part). This real property restriction does not apply to loans made with "Recaptured Loan Funds" (as described in subsection (i)) of this Section).
- d) **Loan Security**
Provisions (collateral) shall be made for first position on loan security. If first position is impossible because of the primary lender's claims, the Grantee should negotiate shared position with the private lender. Subordinate position for loan security should be the CSBG lender's last resort. Loan agreements shall contain precise listings and assignment of collateral established as security for the loan.
- e) **Loan Contract Provisions**
Each Grantee's loan contract with a borrower shall clearly, and in detail, specify the following:
- 1) Employment Plan (consisting of mechanism to assure GSBG client eligibility, timeframes, job descriptions);
 - 2) Payment Schedule;
 - 3) Interest Rate Charged;
 - 4) Late Payment Penalty Provision (optional);
 - 5) Default Provisions.
 - A) Events of Default:
 - i) Payment Default: the Department shall consider a loan to be in default when payment arrearage reaches 90 days. Grantees may place more restrictive payment arrearage provisions in their loan contracts.
 - ii) Hiring Default: a loan shall be considered in default when the hiring provisions specified in this Part and in the loan

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agreement have not been met.

- B) Default Remedies:
- i) Payment Default: the loan will be called or renegotiated (loan renegotiation approval must be requested of the Department and will be approved when the Grantee's written request states that the renegotiation is the only practical means of loan recovery and/or will prevent bankruptcy and/or will prevent a loss of jobs to the local area).
 - ii) Hiring Default: an interest acceleration clause shall be a part of each loan contract. At a minimum the clause shall provide that after notice by the Grantee to the borrower that the hiring provisions have not been met, the interest rate for the loan will increase ~~by 5 percentage points to the National Prime Rate as shown in the Wall Street Journal on date of notice~~. Such increased rate shall remain in effect until hiring deficiencies have been corrected or the loan is called. ~~No less than one-half of the proceeds from the interest penalty shall be treated as repaid principal.~~ (The Department will allow a one-time waiver per loan to the interest acceleration provision when the Grantee, in writing, shows that such acceleration will cause borrower bankruptcy and further loss of jobs and submits a proposed renegotiated hiring schedule that meets the CSBG job creation and hiring requirements through no more than a 24 month extension.) The Department will allow other equally punitive hiring noncompliance interdictions in grantees' loan contracts in lieu of the interest acceleration penalty. Such other interdictions may include (but are not limited to) fines, partial loan recall and pre-scheduled interim balloon payments;
- 6) Loan Security Provision (The Grantee shall perfect the loan security. For example: hold title to vehicles; secure a mortgage on pledged real property; require Uniform Commercial Code (U.C.C.) [810 ILCS 5] filing for pledged equipment, fixtures and inventory.);
 - 7) Collateral Description;
 - 8) Prepayment Provisions (optional);
 - 9) Hiring Schedule;
 - 10) Use of Loan (Machinery, Working Capital, Equipment);
 - 11) Hiring Noncompliance Penalty;

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- 12) Other documentation necessary to assure compliance (e.g., hiring reports);
~~and~~
 - 13) Primary lender – amount; ~~and-~~
 - 14) Wetland Certification Statement [20 ILCS 830].
- f) Loan Payment Provisions
- 1) The interest rate for a recaptured principal or Category “D” ~~the~~ CSBG loan shall have a fixed rate not to exceed Prime plus 4% (“Prime” as used in this Section is the National Prime Interest Rate as published in the Wall Street Journal on the date the parties agree to the loan provisions) 5% or an annually adjusted rate as specified in subsection (a)(2)(E) of this Section. Interest for loans made with repaid principal from previous CSBG loans may not exceed 7.5%.
 - 2) Payment Schedules
 - A) Payments shall include principal and interest calculated in accordance with standard loan tables.
 - B) Loan payments shall not be deferred, unless written permission is given by the Department.
 - C) Grantees, through their individual loan agreements, shall impose a late payment penalty of not less than 5% of any monthly installment not received from the borrower within 15 days after the installment is due.
- g) Micro-Loan Provisions
- The Department has established, within the CSBG Loan Program, a Micro-Loan Program. This program is designed to enable Grantees to assist entrepreneurs in establishing and expanding business ventures. It provides for up to 100 ~~% percent~~ CSBG lending, makes less demand for collateral and gives lending discretion to Grantees. To operate a CSBG Micro-Loan Program, a Grantee must have "preferred lender" status, approved loan criteria and an approved lending process.
- 1) Preferred Lender
To obtain preferred lender status, the Grantee must establish and maintain a loan review committee, with a minimum of 3 members who represent the financial and economic development professions and should include the legal profession. In lieu of legal profession membership, the Grantee must include in their micro-loan procedures a provision for legal review of loans. The committee may be attached to the Grantee's CSBG Board. The Department will, upon receipt of documentation, formally recognize preferred lender status.
 - 2) Micro-Loan Criteria
 - A) Businesses eligible for micro-loans may be a proprietorship, partnership or corporation with no more than 5 employees. If

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- proprietors, eligible borrowers must own all business assets; if partners or corporations, eligible borrowers must own more than 50 % ~~percent~~ of the business assets.
- B) Eligible borrowers must agree to create and fill a minimum of one job for a CSBG eligible client for the micro-loan lending. The job creation may include the borrower if he/she is CSBG eligible and will gain full-time employment through the borrowing.
 - C) The business must be located in the CSBG jurisdiction of the Grantee, and the borrowers must demonstrate that they cannot access the funds from other sources.
 - D) Maximum lending is ~~\$20,000~~ ~~\$15,000~~ and may be entirely CSBG funded.
 - E) Recaptured principal will be used for all micro lending. (Exceptions to this provision must be requested in writing and approved in writing by the ~~Department DCCA/CSBG Loan Program Coordinator~~.)
 - F) The interest rate may not exceed ~~Prime plus 4%~~ ~~5 percent~~ and may be ~~set lower adjusted~~ at the discretion of the Grantee ~~as long as it never exceeds 5 percent~~.
 - G) ~~Lenders shall make every attempt to fully collateralize the micro-loan and the collateral should be secured-Loan collateral is at the discretion of the Grantee.~~
 - H) The term of the loan may not exceed ~~10~~ ~~5~~ years. ~~The term of the loan should not exceed the life of the loan collateral.~~
 - I) A hiring schedule must be a part of each micro-loan agreement. The required hiring must be completed within the first 12 months of the loan.
 - J) Funds loaned may be used to purchase machinery, equipment and inventory, to provide working capital and to purchase or improve real property.
- 3) Micro-Loan Forms and Procedures
The Grantee must establish and maintain DCCA approved loan application forms, loan agreements, loan applicant requirements and screening process, loan review process and loan monitoring procedures.
- 4) Micro-Loan Administration
- A) Since the Grantee must be a "preferred lender" in order to participate in the program, final decisions for lending are at the Grantee level.
 - B) Recaptured principal disbursed for micro-loans must be so noted in accounting records at the time of fund transfer.

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- C) Monitoring will be conducted by the Grantee.
 - D) Reporting will be on ~~one line of~~ the CSBG Quarterly Loan Program Status Report (Hiring and Financial), and the lending will be included in Recaptured Loans on the Reconciliation Form.
 - E) The file for a micro-loan shall consist of:
 - i) the application;
 - ii) committee approval;
 - iii) the loan agreement/contract;
 - iv) amortization schedule;
 - v) hiring schedule;
 - vi) monitoring information; and
 - vii) CSBG Loan Project Fact Sheet.
 - F) The micro-loan repaid principal must be maintained in the same account as all other CSBG Loan Program repaid principal.
- h) Loan Approval Process for Loans Under Current Grants
- 1) All Grantee CSBG funded loans must be submitted to the Department for approval. The Department's review and determination to approve or disapprove the loan will be given in writing within 20 working days ~~of~~ after receipt of a complete set of the loan documents. (Loans submitted for approval after November 15 run the risk of not being processed by the December 31 cut-off due to insufficient time to complete the review. Loans approved after the December 31 date will be obligated against new program funds effective January 1.)
 - 2) The loan application documents to be submitted, and upon which the decision of the Department will be based, consist of:
 - A) The loan agreement containing all provisions in compliance with this Part.
 - B) Application documents:
 - i) History of the Company – a brief history of the business and past employment growth.
 - ii) Market Information – information on the company's products or services and identification of existing and potential major customers and competitors.
 - iii) Corporate Financial Statements – historical corporate financial statements for the past three years and interim statements dated no more than 90 ~~ninety~~-days prior to application including: Profit and Loss Statements, Balance Sheets, Cash Flow Statements, and Disclosure of Contingent Liabilities.
 - iv) Three Year Projections – three year projections of the

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- Profit and Loss Statement and Balance Sheet and a one year Monthly Cash Flow Projection.
- v) Description of Inventory – a list of inventory to be purchased using CSBG funds. ~~Include as much detail as possible.~~
 - vi) Description of Machinery and Equipment (if applicable) – major equipment or classes of equipment to be acquired with the ~~CSBG loan funds-Department's program identified~~, including model and serial numbers where possible; for acquisition of new machinery and equipment, attachments of reliable vendor cost estimates; for moving and installation costs, attachments of written estimates; for used machinery and equipment acquisition, an independent appraisal demonstrating that the fair market value is in line with the purchase price.
 - vii) Description of Working Capital (if applicable) – a detailed explanation of the need for and use of funds.
 - viii) Company Management – a listing of those people that are responsible for the management of the company, their positions, and percentages of ownership.
 - ix) ~~Principals Resumes~~ ~~Principal(s) Resume(s)~~ – a resume of each principal.
 - x) Personal Financial Statement – a personal financial ~~statements~~ ~~statement(s)~~ for each principal owning more than 20 percent of the company.
 - xi) Letters of Commitment – commitment letters documenting all sources of leveraging; loans from financial institutions must have language indicating the loan amount, the specified term and interest, collateral, conditions attendant to the loan, and the fact that the loan is approved; any commitment to purchase a revenue bond must have an executed inducement resolution and the rates, terms, and conditions of approval by the buyer.
- 3) Financial Evaluation Component – The applicant's financial statements, including annual balance sheets and profit and loss statements for the past three years as well as the most recent ~~90 ninety~~-days; a three year projected balance sheet and profit and loss statement as well as a one year monthly cash flow statement will be reviewed through a standard credit analysis (as prescribed in the Business

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Credit Analysis Textbook, 1985, published by the National Development Council) ~~that which~~ will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends and projected earnings. This data will be compared to similar data for companies in the same industry using "Robert Morris Associates Annual Statement Studies" (1990) if such industry is evaluated by this source. This standard credit analysis will determine the financial stability of the company. Determination of the loan approval will also be based on compliance with Section 9-4(a), (d), (e), and (f) of the Small Business Development Act [30 ILCS 750/9-4].

- i) Loan Approval Process for Recaptured Loan Funds
 - 1) All Grantee loans using repaid principal from previous CSBG loans (recaptured loan funds) must be submitted to the Department for approval.
 - 2) The Grantee may, at its option, request the Department to review the complete loan application. When this request occurs, the documents upon which the Department will judge its approval or disapproval and the process for this determination will be in accordance with subsection (g) of this Section.
 - 3) If the Grantee chooses to conduct its own loan review, the loan document to be submitted and upon which the decision of the Department will be based is the "Pre-Loan Closing Form" which includes the following information:
 - A) Grantee Agency name, address and date of submittal;
 - B) Name and address of borrowing business;
 - C) Loan amount;
 - D) Source of funds;
 - E) Loan period;
 - F) Interest rate;
 - G) Hiring schedule;
 - H) Loan use;
 - I) Collateral description and position;
 - J) Primary lender, amount, and term; and
 - K) Signature of submitting officials.
 - 4) The approval, or disapproval of the Department will be based on the loan period, interest rate, hiring schedule, loan use, collateral description and position, and primary lender amount being in compliance with this Part. A letter, ~~The "Pre-Loan Closing Form" will have an Approval/Disapproval check box with an explanation section for disapproved submittals and a~~

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~~signature line for the Department's reviewer. This document,~~ with the Department's determination and signature, will be returned to the Grantee within 10 working days ~~after of its~~ receipt of a completed Pre-Loan Closing Form. (Loans submitted after November 15 run the risk of not being processed by the December 31 cut-off due to insufficient time to complete the review. Recaptured loans approved after the December 31 date will not prevent the declaration of "lapsed principal" and the demand for its return.)

- j) Processing a Micro-Loan
- 1) All micro-loans are approved at the Grantee level.
 - 2) Once the funds have been disbursed, a CSBG Loan Project Fact Sheet must be submitted to the Department. This will be the mechanism for advising the Department that action has taken place.
- k) Loan Fund Recovery/~~Held Principal Limits Re-Use~~/Disposition/Reversionary Right
- 1) Recovery
The repaid loan principal is considered by the Department to be a Community Services Block Grant-related asset, held in trust by the Grantee. The Grantee must place the repaid loan principal in a corporate revolving loan account to continue business assistance efforts in compliance with this Part. This continuation requirement shall be perpetually binding on the Grantee, its successors and assignees until such time as the Department formally negotiates with the agency other CSBG related uses for the recovered loan principal. The interest earned on the CSBG supported business loans is not required to be a part of the perpetuation of the loan program nor subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705] and may be used for any corporate purpose.
 - 2) Held Principal Limits Re-Use
Recaptured principal amounts will be reported quarterly to the Department. The Grantee shall actively pursue new business start up or expansion loan opportunities for the recaptured principal and maintain a written record of such efforts, which the Department may review, upon request. The grantee is allowed to hold the greater of \$20,000 or 20% of the total repaid principal in its CSBG loan program portfolio. In its review of 4th quarter loan reports, the Department will determine if the grantee is holding excess repaid principal (as of the end of the calendar year), excluding any balloon loan payments, and declare the excess "lapsed principal". Additionally, the Department will impose a penalty on Grantees that do not reduce their repaid principal, through lending or

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~~approved wavered use, by at least 25% over a two-year period. At the end of the second year and each subsequent two-year period in which the 25% reduction is not met, the Department will declare the balance of the 25% as lapsed principal. However, the Department will allow the Grantee to maintain the "floor" level (\$20,000) repaid principal without lapse declaration. The Department will require, by written notice, lapsed principal to be reduced to these stated limits through a grant fund transfer. (written record of loan attempt activity). When it is found by the Department that recaptured principal has accrued to either \$40,000 or 50% of the annual repaid principal amounts (from the previous calendar year excluding any balloon payments), whichever is greater, the excess of these limits will be declared to be lapsed principal. If the Grantee does not reduce by at least 25 percent, through lending, the allowable held principal for two successive years, the allowable repaid principal to be held will be reduced by \$10,000 at the end of the second year and further decreased by \$10,000 at the end of each succeeding year in which there is inadequate repaid principal lending. With 30 days written notice from the Department, in the following calendar year all interest earned on lapsed principal during the year and the excess principal held by the Grantee at the end of the calendar year will be payable to the Department's designee, Illinois Ventures for Community Action, Inc., or as an alternative the Grantee will take a deobligation of their current CSBG funding, replacing the deobligated amount with the funds identified as lapsed principal and interest.~~

3) Disposition

The Grantee may not sell, transfer or in any way dispose of the CSBG funded loans without DCCA's written approval.

4) Reversionary Right

If Grantee funding terminates (as specified in Section 120.55 of this Part) the Grantee's repaid principal loan fund balance and all current loans shall revert to the Department for transfer to the successor (Section 120.60 of this Part) agency.

5) Loan Settlement

In the event of a loan settlement due to bankruptcy or other closing, the cash settlement shall be applied 100% to principal after expenses are paid. Expenses are defined as unplanned costs incurred as a result of the closing/bankruptcy (i.e., storage or attorney) and are not covered by the CSBG grant or earned interest.

1) Reporting/~~Monitoring~~/Recordkeeping/~~Monitoring~~

1) The ~~Grantee~~ ~~grantee~~ is required to submit two reports to the Department

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~~for tracking purposes. agency is responsible for monitoring the following provisions of each CSBG loan (including loans made with repaid loan principal):~~

- ~~A) The CSBG Loan Project Fact Sheet is to be submitted immediately following the closing of the loan (loan agreement signed and funds disbursed to the borrowing business). If the loan agreement is amended (i.e., changing the term or interest rate), a revised CSBG Loan Project Fact Sheet shall be submitted. hiring schedule compliance including CSBG eligibility verification;~~
 - ~~B) Quarterly CSBG Loan Status Report (6 parts) – This 6 part report (on forms provided by the Department) is to be submitted as part of the CSBG Quarterly Report, due the 30th calendar day following the end of each calendar quarter. The report must include all loan projects that have been closed (loan agreement signed and funds disbursed to business) since the inception of the CSBG Loan Program. replacement of employees;~~
 - ~~C) use of loan monies; and~~
 - ~~D) loan repayment.~~
- 2) Records – The grantee is required to maintain a CSBG Loan Program file with separate sections for each loan. Each loan file shall contain the loan agreement that encompasses all elements specified in this Section, all correspondence relating to the loan, copies of all forms submitted to the Department, verification of loan payback and monitoring, and, if the loan is in default, documentation of efforts made to return the loan to compliance or to call the loan. The grantee agency monitoring must be completed prior to the Department's quarterly CSBG reporting requirement dates (1/15, 4/15, 7/15 and 10/15). The CSBG quarterly reports from the grantee agency will include a completed Quarterly Fund Hiring/Payback status report which provides the following information:
- ~~A) agency name and address, reporting period, and contact person;~~
 - ~~B) a list of closed projects;~~
 - ~~C) total number of jobs created using CSBG dollars;~~
 - ~~D) total number of jobs retained using CSBG dollars;~~
 - ~~E) timetable for hiring (number to be hired by month, day, and year);~~
 - ~~F) total number of jobs filled to date (excluding terminations);~~
 - ~~G) number of CSBG persons hired who are female or minority employees;~~
 - ~~H) comments regarding the projects (terminations are to be noted here);~~
 - ~~I) loans totally repaid (name and amount of principal);~~

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- ~~J) loans presently being repaid (name, monthly principal, and principal to date);~~
- ~~K) total principal repaid to date on all loans;~~
- ~~L) balance of funds in recaptured account;~~
- ~~M) loans made from recaptured funds (business name and CSBG dollar amount); and~~
- ~~N) loans delinquent in payback (business name, total amount delinquent, how long delinquent).~~
- 3) Monitoring ~~The grantee agency must maintain loan program data (e.g., bank statements, copies of W-4's) to verify information reported quarterly to the Department.~~
- A) The Grantee agency is responsible for monitoring the following provisions of each CSBG loan (including loans made with repaid loan principal):
- i) hiring schedule compliance, including CSBG eligibility verification;
- ii) replacement of employees;
- iii) use of loan monies
- iv) loan repayment; and
- v) Wetland Act compliance.
- B)4) The Department's program monitoring and annual auditing will include verification of the Grantee's report on the status of each consummated loan.
- m) Carry-over of Loan Program Funds – At least 50% of the grantee's earmarked (in the grant agreement) loan program funds must be obligated, with a Department approval letter, by December 31 of the grant year. Obligated funds must be disbursed for loans no later than January 31 of the succeeding grant year. The remaining 50% or less of the earmarked loan funds shall be carried over to the succeeding year's grant, through modification, and placed with the earmarked loan funds in the grant agreement. Any Grantee who has not obligated or disbursed at least 50% of its earmarked loan program funds by the respective December or January 31 cutoff dates shall have the remaining balance deobligated by the Department. All CSBG Grantee funding deobligated by the Department shall be returned to CAAs through a competitive or formula distribution process.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 120.120 Eligibility Requirements

Client eligibility for the Illinois Community Services Block Grant Program is limited to the 3

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~~four~~-listed categories.

- a) Clients served must be "low-income" which is at or below 125% of the poverty line as determined annually and published in the Federal Register by the U.S. Department of Health and Human Services (HHS). CAAs may set more restrictive eligibility provisions (i.e., majority, at least 51% of clients served must be at or below 100% of HHS' poverty level with the remainder of the clients served at 125% of the poverty line). Client income may be determined by actual annual income or a projection of income based on the prior 90 days (whichever is most beneficial to the client). The majority of clients served (at least 51%) must be at or below the poverty line determined in accordance with criteria established by the Director of the U. S. Office of Management and Budget. Client income may be determined by actual annual income or a projection of income based on the prior 90 days. (Whichever is most beneficial to the client.)
At client intake: disregard CSBG scholarship funds, training stipends and other student financial aid when determining family income.
Ongoing/long-term programs: clients eligible at intake and enrolled in a CAA Family and Community Development program may remain eligible for up to five years or until they reach 185% of the poverty line as long as they are progressing in the program and there is at least quarterly client contact. Clients eligible at intake and enrolled in other multi-year programs may remain eligible for up to two years or until they reach 185% of the poverty line as long as they are progressing in the program. The CAA must assess and document the income each year for the participants in the multi-year programs; however, original eligibility prevails until the thresholds and conditions described in this subsection are reached.
- b) Extreme emergency assistance may be provided to individuals and families who are victims of natural or manmade disasters without regard to income eligibility. This category is included to allow CAAs to quickly respond to sudden events that cause swift and temporary poverty. This category includes victims of fire, floods, tornadoes and other disasters. Special written authorization from DCCA must be obtained if clients in this category will exceed 10% of the total CSBG clients served in a grant period. Assistance may also be provided to "low income" clients (125% of the poverty line).
- c) Each CAA is given discretion to calculate income for selected clients net of extreme expenses in areas such as medical, housing, child care and transportation and to waive income restrictions for clients who have experienced a substantial loss of income through an employment or family related crisis. These discretionary provisions fall under the same limitation that is in place for victims of natural or manmade disasters. Special written authorization from DCCA must be obtained if clients in this category and the preceding category (Section 120.120(a)(2)) will

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- ~~exceed 10% of the total CSBG clients served in a grant period. Individuals and families receiving benefits under the Department of Energy Weatherization Assistance Program and the Energy Block Grant (Low Income Home Energy Assistance Program) are also eligible to receive CSBG service benefits.~~
- d) ~~Extreme Emergency Assistance may be provided to victims of natural or manmade disasters. This category is included to allow agencies to quickly respond to sudden accidents which cause swift and temporary poverty. This category includes victims of fires, floods, tornadoes, and other disasters. Special written authorization from DCCA must be obtained if clients in this category will exceed 10% of total CSBG clients served in a grant period.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
910.20	Amend
910.50	Amend
- 4) Statutory Authority: 30 ILCS 210
- 5) A Complete Description of the Subjects and Issues Involved: It has come to the Board's attention that there may be questions about the significance of removing from the Comptroller's Offset System debts determined by the Attorney General or by the Debt Collection Board to be uncollectible. This proposed rule is intended to clarify the circumstances under which uncollectible receivables should or should not be removed from the Comptroller's Offset System.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Stephen W. Seiple
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, IL 62706
217/782-9669
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Not applicable
 - B) Reporting, bookkeeping or other procedures required for compliance: State agencies may need to implement additional tracking systems.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for this rulemaking was not anticipated at the time the agendas were submitted for publication.

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

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TITLE 74: PUBLIC FINANCE
CHAPTER VIII: DEBT COLLECTION BOARDPART 910
STATE AGENCY ACCOUNTS RECEIVABLE

Section	
910.10	Scope
910.20	Definitions
910.30	Assumption of Jurisdiction by Board
910.40	Agency Referrals
910.50	Actions by Board
910.60	Format; Board Procedures
910.70	Voiding a Contract

AUTHORITY: Implementing and authorized by Section 8 of the Illinois State Collection Act of 1986 [30 ILCS 210/8].

SOURCE: Adopted at 21 Ill. Reg. 11921, effective August 15, 1997; amended at 26 Ill. Reg. 9302, effective July 1, 2002; amended at 26 Ill. Reg. _____, effective _____.

Section 910.20 Definitions

- a) For purposes of this Part, "State agency" shall have the meaning found in the Illinois State Auditing Act.
- b) For purposes of this Part, "State agency account receivable", "account(s) receivable", or "receivable(s)" shall mean amounts due a State agency from non-governmental entities which are legally enforceable, which have not been lawfully certified as uncollectable and for which there is no legal barrier to referral to the Board for recovery. Amounts due the General Assembly, the Supreme Court and the several courts of this State and the constitutionally elected State Officers are included only if they elect to have such receivables subject to the Board's jurisdiction. The definition shall not include:
 - 1) amounts less than \$100 (NOTE: Nothing in this Part prohibits agencies from referring receivables to the Board in amounts less than \$100.);
 - 2) amounts due the Illinois Student Assistance Commission under the student loan program.
- c) For purposes of Section 50-11 of the Illinois Procurement Code [30 ILCS 500/50-11) a person shall be considered to be "delinquent in the payment of any debt" if that person owes a debt to the State or any of its agencies that totals \$1000 or

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more, exclusive of interest, and that is more than 90 days past due. A debt due the State shall refer to any receivable owed the State, as defined in procedure 26.20.10 of the Comptroller's Statewide Accounting Management System (SAMS) manual, subject to the exceptions listed in subsections (c)(1) and (c)(2). Procedure 26.20.10 of the SAMS manual, as in effect January 1, 2001, is hereby incorporated by reference. No later editions or amendments are included. A copy of procedure 26.20.10 may be obtained upon request from the Office of the Comptroller, 325 West Adams Street, Springfield, Illinois 62704. To the extent the formal due date of any receivable is not established by law, the due date of that receivable for purposes of this Section shall be computed using the method set forth in procedure 26.20.10 of the SAMS manual. The following debts shall not be considered delinquent for purposes of this Section:

- 1) debts that are the subject of a pending administrative or judicial review;
- 2) debts that are covered by a written payment agreement, so long as the debtor is current in his payments under the terms of the payment agreement.

d) For purposes of this Part, "uncollectable" shall have the meaning found in Section 2 of the Uncollected State Claims Act [30 ILCS 205/2].

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 910.50 Actions by Board

If receivables become subject to its jurisdiction, the Debt Collection Board will take one of the following actions:

- a) Return the receivables to the applicable State agency with:
 - 1) directions for additional collection efforts by the agency; and
 - 2) instructions on how the agency should report the status of its efforts to the Board;
- b) Refer the receivables to one of the Board's outside collection vendors;
- c) Refer the receivables to the Attorney General for collection (this action may be taken only if the amount is greater than \$1,000);
- d) Certify the receivables as uncollectable. Unpaid receivables should not automatically be removed from the Comptroller's Offset System when certified as uncollectable by either the Attorney General or the Debt Collection Board. Debts should only be removed from the Offset System if covered by the automatic stay or a discharge in bankruptcy, or if the debtor is an individual who is deceased or the debtor is a corporation that has been dissolved by the state of incorporation.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards for Administrative Certification
- 2) Code Citation: 23 Ill. Adm. Code 29
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
29.140	New Section
29.150	New Section
- 4) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: These amendments will put in place a new credential that will eventually be required of all individuals who wish to serve as directors or assistant directors of special education. The set of standards set forth in Section 29.140 will be the basis for a new endorsement, "Director of Special Education". The remaining provisions in that Section and Section 29.150 describe how individuals may earn this credential and how individuals who are currently qualified to serve as "State-approved director of special education" may receive the new endorsement. A companion amendment to the rules for special education (23 Ill. Adm. Code 226) establishes the ending date for the current system of approvals.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217)782-3950

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Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 12) 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: Not applicable
 - C) Types of professional skills necessary for compliance: Not applicable
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 29

STANDARDS FOR ADMINISTRATIVE CERTIFICATION

Section

29.10	Purpose and Effective Dates
29.100	Illinois Professional School Leader Standards
29.110	Chief School Business Official
29.120	Principal
29.130	Superintendent
<u>29.140</u>	<u>Director of Special Education</u>
<u>29.150</u>	<u>New Credential Required – Directors and Assistant Directors of Special Education</u>

AUTHORITY: Implementing Article 21 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21 and 2-3.6].

SOURCE: Adopted at 26 Ill. Reg. 6493, effective April 22, 2002; amended at 26 Ill. Reg. _____, effective _____.

Section 29.140 Director of Special Education

Endorsement as a director of special education shall be available on the administrative certificate beginning January 1, 2003, and shall be required beginning July 1, 2005, in order for an individual to serve as either a director or an assistant director of special education. Except as provided in Section 29.150 of this Part, the requirements for this endorsement shall include completion of a program approved pursuant to Subpart C of the State Board's rules for Certification (23 Ill. Adm. Code 25) based on congruence with the standards set forth in this Section; passage of the relevant test of subject matter knowledge based on the standards set forth in this Section; passage of the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to 23 Ill. Adm. Code 25.720 (Applicability of Testing Requirement); and either a valid teaching certificate endorsed with a special education credential or a valid school service personnel certificate endorsed for school psychology, school social work, or speech-language pathology.

a) Facilitating a Vision of Educational Excellence

The competent director of special education is an educational leader who promotes the success of all students by facilitating the development, articulation,

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implementation, and stewardship of a vision of educational excellence that is shared and supported by the school community.

- 1) Knowledge Indicators – The competent director of special education:
 - A) knows and understands the needs of different groups in a pluralistic society.
 - B) knows and understands theories and methodologies of teaching and learning, including the adaptation and modification of curriculum to meet the needs of all learners.
 - C) knows and understands the principles of developing, implementing, and evaluating long-term plans.
 - D) knows and understands theories of and research on organizational and educational leadership.
 - E) knows and understands information sources, data collection, and data analysis strategies.
 - F) knows and understands appropriate channels and media for communicating plans, ideas, and goals to the board of education, staff, parents, students, and the community.
 - G) knows and understands effective consensus-building and negotiation skills.
 - H) knows and understands the historical, moral, philosophical, and political traditions of education, including those that provide the basis for special education practice.
 - I) knows and understands systems and theories of educational assessment and evaluation.
 - J) knows and understands human and financial resources needed to implement and support the organizational vision, mission, and goals.
- 2) Performance Indicators – The competent director of special education:
 - A) facilitates and engages in activities that promote the success of all students in the least restrictive environment by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.
 - B) facilitates and engages in activities that promote appropriate educational standards and excellence for all students and staff.
 - C) facilitates and engages in activities that support a nurturing and high-performing culture and climate through the use of symbols, ceremonies, stories, and similar activities reflecting the diversity of the school community.
 - D) facilitates and engages in activities that collaboratively develop vision and goals among teachers, support staff, students,

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- administrators, board members, families, and community members.
- E) facilitates and engages in activities that articulate and model central beliefs of the organization and effectively communicates and takes actions to achieve organizational vision, mission, and goals.
 - F) facilitates and engages in activities that form and implement educational programs, policies, plans, and actions to realize organizational vision, mission, and goals.
 - G) facilitates and engages in activities aimed at forming and implementing a vision, mission, and goals to provide purpose and direction for individuals and groups.
 - H) facilitates and engages in activities that affect the collection, organization, and analyses of a variety of information, including data on students' performance, to assess progress toward organizational vision, mission, and goals.
 - D) facilitates and engages in activities that result in an implementation plan in which objectives and strategies to achieve the organizational vision, mission, and goals are clearly articulated and linked to students' learning.
 - J) facilitates and engages in activities that identify, clarify, and address barriers to achieving the vision, mission, and goals.
 - K) facilitates and engages in activities to obtain and organize financial, human, and material resources to realize the organizational vision, mission, and goals.
 - L) facilitates and engages in activities to monitor, evaluate, and revise the organizational vision, mission, goals, and implementation plans regularly.
- b) Learning Environment and Instructional Program
The competent director of special education is an educational leader who promotes the success of all students by advocating and nurturing a constantly improving learning environment and an instructional program based upon educationally sound principles of curriculum development and modifications, learning and teaching theory, and professional development.
- 1) Knowledge Indicators – The competent director of special education:
 - A) knows and understands the principles of human growth and development, ranges of individual variation, and their application to the school environment and instructional program.
 - B) knows and understands the concept of school climate as it applies to students' and staff's performance.
 - C) knows and understands the educational change process.

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- D) knows and understands a variety of educational research methodologies and their comparable strengths and weaknesses.
 - E) knows and understands cognition, learning theories, and interventions and their relationship to instruction.
 - F) knows and understands applications of technology for administrators, staff, and students to enhance the learning and instructional program.
 - G) knows and understands a variety of methods for assessing and evaluating students' performance.
 - H) knows and understands professional development models and adult learning theory.
 - I) understands effects of the cultural and environmental milieu of the child and the family, including cultural and linguistic diversity, socioeconomic level, abuse/neglect, and substance abuse, on behavior and learning.
 - J) has knowledge of techniques for modifying instructional methods, curricular materials, technology, and the learning environment to meet students' needs, including techniques that are developmentally appropriate.
- 2) Performance Indicators – The competent director of special education:
- A) facilitates and engages in activities that develop a climate that is supportive of continuous improvement of the instructional program for all students.
 - B) facilitates and engages in activities that systematically design and implement procedures and instruments for evaluating the instructional program.
 - C) facilitates and engages in activities that systematically support staff development to enhance the learning environment and the instructional program.
 - D) facilitates and engages in activities that use best practices and sound educational research to promote improved instructional techniques, intervention strategies, and specialized curricular materials.
 - E) facilitates and engages in activities that promote reflective practices among administrators, teachers, and staff.
 - F) facilitates and engages in activities that promote an environment that encourages creativity and innovation.
 - G) facilitates and engages in activities that provide a climate in which treatment of all individuals with respect, dignity, and fairness is valued.

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- H) facilitates and engages in activities that promote the appropriate use of technology to enhance students' learning and staff's professional growth.
 - D) facilitates and engages in activities that promote high expectations for self, staff, and students.
 - J) facilitates and engages in activities that deal with the ambiguity and uncertainty that accompanies the change process.
 - K) facilitates and engages in activities that systematically conduct, act upon, and report assessment of individual students' educational performance and evaluation of the instructional program.
 - L) facilitates and engages in activities that connect educational standards to specialized instructional services.
 - M) facilitates and engages in activities that promote collaboration of staff and outside agencies in providing services to students and families.
 - N) facilitates and engages in activities that foster lifelong learning.
- c) Knowledge of Laws, Regulations, and Professional Ethics
The competent director of special education has a thorough knowledge of federal and State statutes affecting the education of students with disabilities.
- 1) Knowledge Indicators – The competent director of special education:
 - A) knows and understands current legal, regulatory, and ethical issues affecting education.
 - B) knows and understands the legal rights and responsibilities of students, staff, and parents/guardians.
 - C) knows and understands federal and State education laws and regulations.
 - D) knows and understands the legal aspects of school administration.
 - E) knows and understands the system of public school governance in Illinois.
 - F) knows and understands the responsibilities and functions of school committees and boards.
 - G) knows and understands procedures for formulating and implementing board policies and operating procedures.
 - H) knows and understands the moral and ethical responsibilities of schools and members of the school community.
 - I) knows and understands how to establish and implement policies that promote ethical behavior and high professional standards through collaboration with stakeholders.
 - J) knows and understands how the Illinois and U.S. Constitutions, organizational policies, and laws (statutory, common, and case)

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- regulate the behavior of students, staff, and administrators in the schools.
- K) knows and understands the role of public education in developing and renewing a democratic society and an economically productive nation.
- L) knows and understands models and strategies of change and conflict resolution as applied to schools.
- 2) Performance Indicators – The competent director of special education:
- A) facilitates and engages in activities that ensure an ongoing dialogue with and among representatives of diverse community groups.
- B) facilitates and engages in activities that lead the school community to operate within the framework of policies, laws, and regulations enacted by local, State, and federal authorities and professional ethical standards.
- C) facilitates and engages in activities that foster a board/superintendent working relationship that promotes and actualizes organizational vision, missions, and goals.
- D) facilitates and engages in activities that shape public policy to provide high-quality education for students.
- E) facilitates and engages in activities that provide clear distinctions between board policies and operating procedures.
- F) facilitates and engages in activities that base decisions on the legal, moral, and ethical implications of policy options and political strategies.
- G) facilitates and engages in activities that create a collaborative relationship with staff to implement policies to promote behavior and professional practices consistent with high ethical standards.
- d) Identification of Students and Provision of Services
The competent director of special education has a thorough knowledge of identification procedures, service delivery models, and assistive technology for students with disabilities.
- 1) Knowledge Indicators – The competent director of special education:
- A) knows and understands effective strategies for identifying children (from birth through age 21) who may have disabilities.
- B) knows and understands effective intervention strategies and processes that are prerequisite to a referral or a case study evaluation.
- C) knows and understands the case study evaluation process, including the determination of eligibility for special education services.

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- D) knows and understands the continuum of programs and array of services available to students with disabilities.
 - E) knows and understands the process of developing Individualized Education Programs (IEP).
 - F) knows and understands parents' and students' rights regarding evaluation, eligibility, services, and discipline.
 - G) knows and understands the array of assistive technology options to facilitate access of students with disabilities to the least restrictive environment.
 - H) knows and understands lawful and appropriate strategies for the discipline of students with disabilities.
- 2) Performance Indicators – The competent director of special education:
- A) facilitates and engages in activities that promote public awareness, sound screening practices, and early identification of students with disabilities.
 - B) facilitates and engages in activities that provide staff development in the use of effective intervention strategies for instructional staff.
 - C) facilitates and engages in activities that ensure all essential components of a case study evaluation have been utilized when determining eligibility for special education services.
 - D) facilitates and engages in activities that promote a free appropriate public education in the least restrictive environment.
 - E) facilitates and engages in activities that promote programs and related services for children based upon a thorough understanding of individual differences.
 - F) facilitates and engages in activities that ensure the required components of an Individualized Education Program are incorporated into a plan of services for individual students.
 - G) facilitates in activities that ensure the Individualized Education Programs are linked to the Illinois Learning Standards (see 23 Ill. Adm. Code 1.App. D).
 - H) facilitates and engages in activities that evaluate a student's success in participation in the general educational curriculum.
 - I) facilitates and engages in activities that ensure that parents' and students' rights regarding evaluation, eligibility, services, and discipline are disseminated and understood.
 - J) facilitates and engages in activities that ensure that parents' and students' rights regarding evaluation, eligibility, services, and discipline are implemented.

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- B) knows and understands principles of human resource management and development to maximize the effectiveness of all constituents of the organization.
 - C) knows and understands practices, policies, and procedures for operating and maintaining the organization's facilities, equipment, and auxiliary services.
 - D) knows and understands principles of financial planning and management for efficient fiscal operation in support of the organization's vision, mission, and goals.
 - E) knows and understands organizational and operational policies and procedures that enhance students' learning.
 - F) knows and understands practices and procedures to ensure safe and secure schools for students, parents, staff, and community members.
 - G) knows and understands practices and procedures to ensure that organizational management functions are supported by current technologies.
- 2) Performance Indicators – The competent director of special education:
- A) facilitates and engages in activities that use central organizational processes (including planning, communication, decision making, problem solving, and information management) for operational effectiveness and organizational development.
 - B) facilitates and engages in activities that empower various groups of constituents (e.g., staff, students, and parents) of the organization as leaders to support change efforts through the use of delegation, collaboration, and collegial strategies.
 - C) facilitates and engages in activities that employ supervisory and performance appraisal techniques to enhance and develop the knowledge and skill base of instructional and non-instructional staff.
 - D) facilitates and engages in activities to support professional development for all constituents of the organization, focusing on the improvement of teaching and learning outcomes.
 - E) facilitates and engages in recruitment, selection, induction, and negotiation, resulting in the employment and retention of qualified personnel to support an effective learning environment.
 - F) facilitates and engages in activities that ensure the physical plant is accessible, well maintained, functional, secure, and conducive to the support of the full range of the organization's curricular and extracurricular programs.

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- G) facilitates and engages in activities that provide efficient delivery of important auxiliary services (including health and nutrition, pupil transportation, risk management, and school security).
 - H) facilitates and engages in activities that identify financial and material assets and resources and acquire them for subsequent allocation according to organizational goals and priorities.
 - D) facilitates and engages in activities that maximize fiscal resources through financial management processes (including planning, budgeting, procurement, accounting, and monitoring).
 - J) facilitates and engages in activities that create operational plans and procedures in support of organizational vision, mission, and goals.
 - K) facilitates and engages in activities that use organizational monitoring systems to ensure the implementation of policies.
 - L) facilitates and engages in activities that use management techniques to define roles, assign functions, and delegate accountability relative to achieving goals.
 - M) facilitates and engages in activities that operate school plant, equipment, and support systems securely, safely, efficiently, and effectively.
 - N) facilitates and engages in activities that maintain secure, safe, clean, and esthetically pleasing school environments that foster students' learning.
 - O) facilitates and engages in activities that identify managerial functions that can be improved using technology.
 - P) facilitates and engages in activities that provide ongoing training and review to ensure the productive and efficient use of technology in organizational management.
- g) Collaboration with Families and Communities
The competent director of special education is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.
- 1) Knowledge Indicators – The competent director of special education:
 - A) knows and understands the multiple stakeholders' groups that comprise the school community, which includes but is not limited to parents, religious groups, business and industry, service organizations, local and county government, students, other taxpayers, and employees of organizations within the community.

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- B) knows and understands the conditions and dynamics of the racial, ethnic, linguistic, religious, and socio-economic diversity of the community.
 - C) knows and understands community resources that provide services that support the vision, mission, and goals of the school organization.
 - D) knows and understands school-community relations and marketing strategies and processes.
 - E) knows and understands emerging issues and trends that potentially affect the school community and the mission of the school.
 - F) knows and understands successful models of partnerships between the organization and families, businesses, community groups, governmental agencies, and higher education.
 - G) knows and understands the political nature of schools and how the political system operates.
- 2) Performance Indicators – The competent director of special education:
- A) facilitates and engages in activities that clearly articulate the organizational vision, mission, and goals to multiple stakeholders.
 - B) facilitates and engages in activities that use political structures and skills to build community support for organizational priorities.
 - C) facilitates and engages in activities that provide effective communication with individuals and organizations throughout the community.
 - D) facilitates and engages in activities that inform the organization's decision making by collecting and organizing a variety of formal and informal information from multiple stakeholders.
 - E) facilitates and engages in activities that provide communications from the organization that are written and spoken clearly and forcefully.
 - F) facilitates and engages in activities that demonstrate formal and informal listening skills.
 - G) facilitates and engages in activities that demonstrate group leadership skills.
 - H) facilitates and engages in activities that identify and consider various political interests within the community in organizational decision making.
 - I) facilitates and engages in activities that educate the community about school funding and referenda.
 - J) facilitates and engages in activities that mediate conflict between the organization and various stakeholders.

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- K) facilitates and engages in activities that involve the school organization and community in school improvement efforts.
- L) facilitates and engages in activities that demonstrate the ability to build consensus.
- M) facilitates and engages in activities that foster educational partnerships with a variety of persons and organizations to promote delivery of educational opportunities

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 29.150 New Credential Required – Directors and Assistant Directors of Special Education

Beginning July 1, 2005, the State Board of Education shall issue no further approvals for individuals to serve as State-approved directors or assistant directors of special education pursuant to 23 Ill. Adm. Code 226.800(g) (Personnel Required to be Qualified). As of that date, an administrative certificate endorsed for director of special education shall be required in order for an individual to serve as either a director or an assistant director of special education. Certain individuals may receive that endorsement as provided in this Section rather than as provided in Section 29.140 of this Part.

- a) An individual who has received a letter of approval as a director or assistant director of special education from the State Board of Education at any time may receive an endorsement for director of special education by submitting an application for the endorsement accompanied by the applicable fee and a copy of his or her letter of approval.
- b) An individual who holds an administrative certificate and the teaching or school service personnel certification required by Section 29.140 of this Part but who has never been approved as a director of special education may receive endorsement for director of special education at any time by submitting an application for the endorsement accompanied by the applicable fee and evidence of having completed 30 semester hours of coursework, distributed among all the areas listed in subsections (b)(1) through (b)(5) of this Section. These requirements must have been met on or before June 30, 2005.
 - 1) Survey of exceptional children.
 - 2) Special methods courses covering at least three areas of disability.
 - 3) Educational and psychological diagnosis and remedial techniques.
 - 4) Guidance and counseling.
 - 5) Supervision of programs for children with disabilities.
- c) An individual who holds an administrative certificate and the teacher or school service personnel certification required by Section 29.140 of this Part but who does not meet all the other requirements of subsection (b) of this Section may

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receive endorsement for director of special education at any time after the test of subject matter knowledge for that endorsement becomes available by passing that test and submitting an application accompanied by the applicable fee. An individual who wishes to qualify for this endorsement pursuant to this subsection (c) shall also be required to pass the test of basic skills if passage of that test would be required for a standard certificate pursuant to 23 Ill. Adm. 25.720 (Applicability of Testing Requirement).

(Source: Added at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
226.75	Amendment
226.100	Amendment
226.240	Amendment
226.250	Amendment
226.350	Amendment
226.530	Amendment
226.540	Amendment
226.605	Amendment
226.610	Amendment
226.625	Amendment
226.690	Amendment
226.740	Amendment
226.770	Amendment
226.800	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: These amendments have three purposes. They include a number of wording changes recently identified as necessary by the U.S. Department of Education's Office of Special Education Programs (OSEP), and they include revisions to the rule on parental consent (Section 226.540) that respond to recent litigation.

In addition, the amendments to Section 226.800 explain how the current system of issuing State approval for individuals to serve as directors of special education will be closed out in favor of a standards-based endorsement. These changes are necessary to complement the amendments to Part 29 that are also being proposed at this time.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217)782-3950

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 12) 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 applicable
- C) Types of professional skills necessary for compliance: Not applicable
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

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226.50	Requirements for a Free Appropriate Public Education (FAPE)
226.60	Charter Schools
226.75	Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section

226.100	Child Find Responsibility
226.110	Referral
226.120	Identification of Needed Assessments
226.130	Evaluation Requirements
226.140	Mode(s) of Communication and Cultural Identification
226.150	Case Study to be Nondiscriminatory
226.160	Determination of Eligibility
226.170	Criteria for Determining the Existence of a Specific Learning Disability
226.180	Independent Educational Evaluation
226.190	Reevaluation

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section

226.200	General Requirements
226.210	IEP Team
226.220	Factors in Development of the IEP
226.230	Content of the IEP
226.240	Determination of Placement
226.250	Child Aged Three Through Five
226.260	Child Reaching Age Three

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SUBPART D: PLACEMENT

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226.300	Continuum of Placement Options
226.310	Related Services
226.320	Service to Students Living in Residential Care Facilities
226.330	Placement by School District in State-Operated or Nonpublic Special Education Facilities
226.340	Nonpublic Placements by Parents
226.350	Service to Children in Private Schools

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226.520	Notification of District's Proposal
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226.600	Calculation of Timelines
226.605	Request for Hearing; Basis
226.610	Information to Parents Concerning Right to Hearing
226.615	Procedure for Request
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226.630	Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.635	Appointment of Impartial Due Process Hearing Officer
226.640	Scheduling the Hearing and Pre-Hearing Conference
226.645	Conducting the Pre-Hearing Conference
226.650	Child's Status During Due Process Hearing
226.655	Expedited Due Process Hearing
226.660	Powers and Duties of Hearing Officer
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226.675	Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
226.680	Reporting of Decisions
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SUBPART H: ADMINISTRATIVE REQUIREMENTS

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226.700	General
226.710	Policies and Procedures
226.720	Facilities and Classes
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226.740	Records; Confidentiality
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SUBPART I: PERSONNEL

Section	
226.800	Personnel Required to be Qualified
226.810	Special Education Teaching Approval
226.820	Authorization for Assignment
226.830	List of Independent Evaluators
266.840	Qualifications of Evaluators

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art.14 and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill.

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Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 26 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 226.75 Definitions

Assistive Technology Device: Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

Behavioral Intervention: An intervention based on the methods and empirical findings of behavioral science and designed to influence a child's actions or behaviors positively.

Case Study Evaluation: See "Evaluation"

Cultural Identification: Identifying the family's general cultural factors, such as ethnicity and language spoken, ~~that which~~ may have an impact on the design of the case study evaluation procedures used.

Date of Referral: The date on which written parental consent to complete an evaluation is obtained or provided.

Day: A calendar day, unless otherwise indicated as "business day" or "school

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day".

Business Day: Monday through Friday, except for ~~federal~~ ~~Federal~~ and State holidays (unless holidays are specifically included in the designation of business days, as at 34 CFR 300.403(d)(1)(ii)).

School Day: Any day including a partial day, during the regular school year that students are in attendance at school for instructional purposes.

Developmental Delay: Delay in physical development, cognitive development, communication development, social or emotional development, or adaptive development (may include children from three through five years of age).

Disability: Any of the following specific conditions.

Autism: A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child's educational performance. (A child who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the other criteria of this Section are satisfied.) Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.

Deaf-Blindness: Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Deafness: A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

Emotional Disturbance (includes schizophrenia, but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance): A condition exhibiting one or more of the

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following characteristics over an extended period of time and to a marked degree that adversely affects a child's educational performance:

An inability to learn that cannot be explained by intellectual, sensory, or health factors;

An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

Inappropriate types of behavior or feelings under normal circumstances;

A general pervasive mood of anxiety or unhappiness or depression;
or

A tendency to develop physical symptoms or fears associated with personal or school problems.

Hearing Impairment: An impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness.

Mental Retardation: Significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

Multiple Disabilities: Concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments (does not include deaf-blindness).

Orthopedic Impairment: A severe orthopedic impairment that adversely affects a child's educational performance; includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Other Health Impairment: Limited strength, vitality or alertness,

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including a heightened sensitivity to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

is due to chronic or acute health problems, such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and

adversely affects a child's educational performance.

Specific Learning Disability: A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. (The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.) [105 ILCS 5/14-1.03(a)]

Speech or Language Impairment: A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

Traumatic Brain Injury: An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgement; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

Visual Impairment: An impairment in vision that, even with correction, adversely affects a child's educational performance (includes both partial sight and blindness).

Domain: An aspect of a child's functioning or performance that must be

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considered in the course of designing a case study evaluation. The domains are health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status, and motor abilities.

Educational Performance: A student's academic achievement and ability to establish and maintain social relationships and to experience a sound emotional development in the school environment.

Eligible: Identified in accordance with this Part as having any of the disabilities defined in this Section and needing special education and related services.

Equipment (a programmatic definition, not intended to coincide with the definition of "equipment" given in the Program Accounting Manual at 23 Ill. Adm. Code 110.120):

Machinery, utilities, and built-in equipment and any necessary enclosures or structures to house the machinery, utilities, or equipment; and

All other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

Evaluation: A series of procedures designed to provide information about a child's suspected disability; the nature and extent of the problems that are or will be adversely affecting his/her educational development; and the type of intervention and assistance needed to alleviate these problems.

Extended School Year Services: Special education and related services that are provided to a child with a disability beyond the normal school year of the public agency in accordance with the child's IEP and at no cost to the parents of the child and meet the requirements of Section 226.750(c) of this Part.

Functional Behavioral Assessment: An assessment process for gathering information regarding the target behavior, its antecedents and consequences, controlling variables, the student's strengths, and the communicative and functional intent of the behavior, for use in developing behavioral interventions.

General Curriculum: The curriculum adopted and/or used by a local school

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district or by the schools within a district for nondisabled students; the content of the program, as opposed to the setting in which it is offered.

IEP Team: The group of individuals enumerated in Section 226.210 of this Part, except that in three instances the team shall be expanded to include any other qualified professionals whose expertise is necessary to administer and interpret evaluation data and make an informed determination as to whether the child needs special education and related services (i.e., when identifying the specific assessments required in order to evaluate a child's individual needs; when determining whether the child is eligible pursuant to this Part; and when conducting a Manifestation Determination Review).

Independent Educational Evaluation: An evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question. (See Section 226.180 of this Part.)

Individualized Education Program (IEP): A written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with Subpart C of this Part.

Individualized Family Service Plan (IFSP): A written plan for providing the early intervention services to a child eligible under 34 CFR 303 and the child's family.

Interim Plan: A portion of an IEP that identifies the services that will be provided as a temporary measure, either when the child's complete IEP cannot be implemented or when the parents and the district have only agreed to a portion of the services that will be needed, and that sets out the specific conditions and timelines to which both the parents and the district have agreed.

Least Restrictive Environment (LRE): The setting that permits a child to be educated with nondisabled children to the maximum extent appropriate. (See Section 226.240(c) of this Part.)

Parent: A natural or adoptive parent of a child; a guardian but not the State if the child is a ward of the State; a person acting in the place of a parent of a child (such as a grandparent or stepparent with whom a child lives); a person who is legally responsible for a child's welfare, or a surrogate parent who has been appointed in accordance with Section 226.550 of this Part. A foster parent is a "parent" when the natural parent's authority to make educational decisions on the child's behalf has been extinguished under State law and the foster parent has an ongoing, long-term parental relationship with the child, is willing to make the

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educational decisions required of parents under IDEA, and has no interest that would conflict with the interests of the child.

Participating Agency: A ~~State state~~ or local agency, other than the local school district, that is or may be legally responsible for providing or funding services to a student who is eligible under this Part.

Personally Identifiable (with reference to information): Including the name of the child, the child's parent, or other family member; the address of the child; a personal identifier, such as the child's Social Security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Qualified Personnel: Staff members or other individuals who hold the certificate, license, registration, or credential that is required for the performance of a particular task.

Qualified Bilingual Specialist: An individual who holds the qualifications described in Section 226.800(f) of this Part.

Qualified Specialist: An individual who holds the applicable qualifications described in Subpart I of this Part.

Referral: A formal procedure established by a school district which involves a request for a case study evaluation.

Related Services: Transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services, and medical services for diagnostic or evaluation purposes; also including school health services, social work services in schools, and parent counseling and training. (See Section 226.310 of this Part.) Related services do not include those performed by licensed physicians or dentists (except for diagnostic or evaluative services or consultation to staff), registered or licensed practical nurses (except when functioning as school nurses), or other medical personnel involved in the provision of ongoing medical care.

Special Education: Specially designed instruction, at no cost to the parents, to

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meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals, in institutions, and in other settings, and including instruction in physical education.

Special School: An educational setting which is established by the local school district exclusively to meet the needs of eligible children.

Student Record: See Section 2 of the Illinois School Student Records Act [105 ILCS 10/2].

Supplementary Aids and Services: Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

Transition Services: A coordinated set of activities for a student with a disability that:

Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

Is based on the individual student's needs, taking into account the student's preferences and interests; and

Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section 226.100 Child Find Responsibility

- a) Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district, including children not enrolled in the public schools, who may be eligible for special education and

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related services. Procedures developed to fulfill this responsibility shall include:

- 1) An annual screening of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services.
 - 2) Ongoing review of each child's performance and progress by teachers and other professional personnel, in order to refer those children who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting, suggesting that they may be eligible for special education and related services.
 - 3) Ongoing coordination with early intervention programs to identify children from birth through two years of age who have or are suspected of having disabilities, in order to ensure provision of services in accordance with applicable timelines.
 - A) Each local school district shall participate in transition planning conferences arranged by the designated lead agency under 20 USC 1437(a)(8) in order to develop a transition plan enabling the public school to implement an IFSP or IEP no later than the third birthday of each eligible child.
 - B) A child is considered "referred" to a school district when he or she is identified in writing by staff of an early intervention program pursuant to 34 CFR 303. Such a referral is effective no later than 60 school days prior to the child's third birthday, regardless of the date on which the notification takes place. (See Section 226.260 of this Part.)
 - 4) Coordination and consultation with nonpublic schools located within the district that results in child find activities comparable to those affecting students in the public schools. Costs of child find and evaluation activities may not be considered as part of the expenditures used by the district to meet its obligation under 34 CFR 300.453 (a).
- b) When the responsible school district staff ~~members~~ ~~member(s)~~ conclude that an individual evaluation of a particular child is warranted based on factors such as a child's educational progress, interaction with others, or other functioning in the school environment, the requirements for referral and evaluation set forth in this Subpart B shall apply.
- c) Each school district shall be responsible for ensuring that the confidentiality requirements of 34 CFR 300.560-300.577, 105 ILCS 10/4(a), 23 Ill. Adm. Code 375, and Section 226.740 of this Part apply to all data used to meet the Child Find requirement.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section 226.240 Determination of Placement

- a) The placement determination shall be made by the IEP Team.
- b) The placement determination shall be consistent with the child's IEP.
- c) The placement determination shall provide the least restrictive environment for the child.
 - 1) To the maximum extent appropriate, each child, including children in public or nonpublic residential facilities, shall be educated with children who are nondisabled.
 - 2) Special education classes, separate schooling, or other removal of children with disabilities from the regular education environment shall occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
 - 3) Each child's placement shall be as close as possible to his or her home.
 - 4) Unless the IEP requires some other arrangement, a child shall be educated in the school he or she would attend if not disabled.
 - 5) Consideration shall be given to the possible harmful effect of a placement on the child or on the quality of services received.
 - 6) A child shall not be removed from an age-appropriate regular classroom solely because of needed modifications in the general curriculum.
- d) The placement decision shall, to the maximum extent appropriate, permit the child to participate ~~as appropriate~~ in nonacademic and extracurricular services and activities (e.g., meals, recess, recreational activities, and clubs sponsored by the district).
- e) The placement determination shall be reviewed at least annually or any time the IEP is revised.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 226.250 Child Aged Three Through Five

In the case of an eligible child three through five years of age, an IFSP that contains the material described in 20 USC 1436 may serve as a child's IEP if using that plan is agreed to by the local school district and the child's parents. If a district proposes to use an IFSP, the local school district shall:

- a) Provide a detailed explanation of the differences between an IFSP and an IEP to the child's parents; ~~and~~
- b) Obtain informed, written consent from the parents for the use of the IFSP; ~~and~~

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- c) The IFSP shall be developed in accordance with the IEP requirements found in Sections 226.200 through 226.230 of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART D: PLACEMENT

Section 226.350 Service to Children in Private Schools

- a) To the extent consistent with their number and locations in the State, provision must be made by school districts for services to children with disabilities who have been enrolled in private schools by their parents.
- 1) Each school district shall consult annually with representatives of private schools in light of the funding available for serving their students, the number of such students, their needs, and their respective locations to decide:
 - A) Which children will receive services;
 - B) What services will be provided;
 - C) How the services will be provided; ~~and~~
 - D) How the services provided will be evaluated; ~~and~~;
 - E) Where the services will be provided.
 - 2) Each school district shall give representatives of private schools a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements of this subsection (a).
 - 3) The consultation required by this subsection (a) shall occur before the school district makes any decision that affects the opportunities of private school children with disabilities to participate in services.
 - 4) The school district shall make the final decisions with respect to the services to be provided to eligible children who are enrolled in private schools.
 - 5) The school district shall maintain a written record of actions taken in compliance with the requirements of this subsection (a).
- b) The services provided by a school district to children with disabilities enrolled in private schools shall be comparable in quality to the services provided to eligible children enrolled in the district. "Comparable in quality" means provided by similarly qualified personnel.
- 1) Eligible students in private schools may receive a different amount of services than eligible children in public schools.
 - 2) No individual child must receive a specific service or receive the same amount of service the child would receive in a public school.
 - 3) For any child served pursuant to this Section, the school district shall

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develop a service plan that identifies the services that the district will provide to the child. The plan shall meet the requirements of Section 226.230 of this Part and shall be developed, reviewed, and revised consistent with Sections 226.200, 226.210, 226.220, and 226.530 of this Part.

- c) Services may be provided on site at a child's private school, including a religiously affiliated school, to the extent consistent with the provisions of IDEA (20 USC 1413(d)).
- d) Transportation to and from a site other than the private school shall be provided if necessary for a child to benefit from or participate in the services offered by the district at that site. This includes transportation from the service site to the private school or to the child's home, depending upon the timing of services.
- e) When a student receives services from a school district pursuant to this Section, the procedural safeguards described in Subpart F of this Part shall be available only with respect to complaints that the district has failed to fulfill the requirements of this Section. The due process requirements of Subpart G of this Part shall not apply.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART F: PROCEDURAL SAFEGUARDS

Section 226.530 Parents' Participation

- a) Nothing in this Part precludes routine communication and consultation from occurring among school employees without parents in attendance, including preparatory activities that school personnel engage in to develop a proposal or a response to a parent's proposal that will be discussed at an IEP meeting.
- b) Whenever a meeting is to be held which a parent has a right to attend, the requirements of this subsection (b) shall apply.
 - 1) No later than ten days prior to the proposed date of the meeting, except for a meeting convened pursuant to Section 226.400(g) of this Part, the district shall notify the ~~parents~~ ~~parent(s)~~ in writing of the purpose of the meeting, the proposed date, time, and place for the meeting, who else will be in attendance, and the parent's right to invite other individuals with knowledge or special expertise regarding the child. If a parent indicates that the proposed date or time is inconvenient, the district shall make reasonable efforts to accommodate the parent's schedule.
 - 2) If neither parent can attend, the district shall use other methods to attempt to secure at least one parent's participation, including rescheduling the meeting, individual or conference telephone calls, or use of such other

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means of communication as may be available.

- 3) A meeting may be conducted without a parent in attendance if the district is unable to obtain the parent's participation. In this case, the district shall maintain a record of its attempts to arrange a mutually agreed on time and place, such as:
 - A) Detailed records of telephone calls made or attempted and the results of those calls;
 - B) Copies of correspondence sent to the parents and any responses received; and
 - C) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
- 4) The district shall take whatever action is necessary to facilitate the parent's understanding of and participation in the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.
- 5) Any document generated during the meeting, including a copy of the IEP, shall be provided to the parent upon request, unless an applicable federal or State statute or federal regulation requires its automatic provision without a request.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 226.540 Consent

- a) A parent shall be considered to have given consent only when:
 - 1) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication;
 - 2) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
 - 3) The parent understands that his or her granting of consent is voluntary and may be revoked at any time ~~by means of the due process described in Subpart G of this Part.~~
- b) A school district may not require parental consent as a condition of any benefit to the parent or the child except for the service or activity for which consent is required.
- c) Parental consent shall be obtained before conducting an initial evaluation of a child. Consent for initial evaluation shall not be construed as consent for initial placement.

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- d) Parental consent shall be obtained before conducting any reevaluation of a child. If a parent fails or refuses to provide consent for a required triennial reevaluation within ten days after the district requests it, the district shall request a due process hearing.
- e) Parental consent shall be obtained prior to the initial provision of special education and related services.
- f) Parental consent shall be obtained prior to the use of the parent's private insurance to pay for services required by a child's IEP.
- g) Parental consent shall be obtained for the disclosure of personally identifiable information about a child, consistent with the requirements of the Student Records Act.
- h) Parental consent shall be obtained for the use of an IFSP instead of an IEP.
- i) A parent may revoke consent for any action by the district or cooperative entity serving his or her child that requires parental consent. If a parent desires to revoke consent, he or she may do so either in writing or orally. If the revocation of consent is communicated orally, the district or cooperative entity shall commit the parent's request to writing and provide a copy of this written summary to the parent within five days. ~~shall request a due process hearing in accordance with Subpart G of this Part.~~
- j) Any revocation of consent ~~as a result of a due process hearing~~ is effective immediately, but is not retroactive, i.e., it does not negate an action that occurred after the consent was given and before it was revoked. The district or cooperative entity shall ensure that each staff member whose activities are affected by the revocation of consent is promptly informed of the revocation.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART G: DUE PROCESS

Section 226.605 Request for Hearing; Basis

A parent, a school district, or a student may request an impartial due process hearing for any reason connected to the identification, evaluation, or placement of, or the provision of services to, a student who is or may be eligible pursuant to this Part. No other party shall have standing to submit such a request. The school district or public agency must insure that all requests or notice pursuant to due process are maintained in a confidential manner consistent with the Illinois School Student Records Act and the rules of the State Board of Education at 23 Ill. Adm. Code 375.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 226.610 Information to Parents Concerning Right to Hearing

- a) Each school district shall inform parents in writing of their right to a hearing and of the procedures for requesting one. The district shall notify the parent of the information the parent must provide when requesting a hearing, in one of the following ways :-
- 1) The district may provide the parent with a model form designed by the State Board of Education in accordance with 34 CFR 300.507(c)(1)(v)(3); or
 - 2) The district may inform the parent that the request for a hearing must include the following information:
 - A) the name of the child;
 - B) the address of the child's residence;
 - C) the name of the school the child is attending;
 - D) a description of the nature of the problem relating to the proposed or refused initiation or change, including facts relating to the problem;
 - E) a proposed resolution of the problem, to the extent known and available to the parents at the time; and
 - F) if known, whether the parents will be represented by legal counsel.
- b) The director of special education shall assist parents in taking whatever action is necessary to use the hearing process.
- c) The district shall inform the parents of the availability of mediation and of any free or low-cost legal services and other publicly funded advocacy services available in the area if the parent requests the information, or if the parent or the district initiates a hearing.
- d) The local education agency may develop procedures that require the parents who elect not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with a parent training and information center or community parent resource center in the State that is funded through a federal grant under IDEA.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 226.625 Rights of the Parties Related to Hearings

- 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.
- b) The parents may inspect and review all school records pertaining to their child and, subject to the provisions of 23 Ill. Adm. Code 375.50 (Student Records), may

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- obtain copies of any such records at their own expense.
- c) The parents shall have access to the district's list of independent evaluators, and may obtain an independent evaluation of their child at their own expense.
- 1) If the parents believe that acquisition of a completed independent evaluation will require a delay in convening the hearing, the parents shall request such a delay as provided in Section 226.640(c) of this Part.
 - 2) The parents 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 school district's expense. The hearing officer shall delay the hearing as provided for in Section 226.640(c) of this Part.
 - 3) This subsection (c) shall not apply to expedited hearings conducted pursuant to Section 226.655 of this Part.
- d) Either party to a hearing, other than an expedited hearing conducted pursuant to Section 226.655 of this Part, has the right to the disclosure, at least five days prior to the hearing, of any evidence to be introduced. At least five days prior to the hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. Either party may prohibit the introduction of evidence which was not disclosed to that party at least five days prior to the hearing. The hearing officer may reschedule the hearing to permit full disclosure. Disclosure of evidence with respect to an expedited hearing shall conform to the requirements of Section 14-8.02b of the School Code [105 ILCS 5/14-8.02b].
- e) Either party may compel the attendance of any school district employee at the hearing, or any other person who may have information relevant to the needs, the abilities, the proposed program, or the status of the student. At the request of either party, the hearing officer shall authorize the issuance of 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 this Section, court action may be sought as provided in Section 14-8.02a(g) of the School Code [105 ILCS 5/14-8.02a(g)].
- f) Pursuant to 34 CFR 300.509(c)(1)(i), the parent has the right to have the child who is the subject of the hearing present at the hearing.
- g) Either party, or any other person participating in the hearing, may request that an interpreter be available during the hearing because one of the participants is hearing impaired and/or uses a primary language other than English. ~~Such~~ Interpreters ~~interpreters~~ shall be provided at the school district's expense.
- h) 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.

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- i) The hearing officer shall conduct the hearing in a fair, impartial, and orderly manner. The hearing officer shall afford each party an opportunity to present the evidence, testimony, and arguments each party believes necessary to support and/or clarify the issues in dispute and the relief the party is requesting. The hearing officer shall regulate the course of the hearing and the conduct of the parties and their counsel.
- j) The hearing shall be closed to the public unless the parents of the child specifically request that it be open. The hearing officer shall advise the parents of their right to have the hearing open to the public. If the parents make such a request, the hearing shall be open. (References to parents in this subsection (j) apply to the student if Section 226.690 of this Part applies.)
- k) The parties shall have the right to confront and cross-examine witnesses.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 226.690 Transfer of Parental Rights

- a) When a student with a disability reaches the age of majority (18 years of age; see 755 ILCS 5/11-1) or becomes an emancipated minor pursuant to the Emancipation of Mature Minors Act [750 ILCS ~~30-5/Art. 11a~~] (except for a student with a disability who has been adjudged as a disabled person pursuant to 755 ILCS 5/~~Art. 11a et seq.~~):
 - 1) The school district shall provide any notice required by this Part to both the individual and the parents, and all other rights accorded to parents under Part B of the Individuals with Disabilities Education Act, the implementing regulations at 34 CFR 300, and this Part shall transfer to the student; and
 - 2) All rights accorded to parents under Part B of the Individuals with Disabilities Education Act, the implementing regulations at 34 CFR 300, and this Part shall transfer to a child who is incarcerated in an adult or juvenile, State, or local correctional institution.
- b) Whenever rights are transferred to a student pursuant to this Section, the district shall notify the student and the parents of the transfer of rights.
- c) All notices that are required under this Part and 34 CFR 300 shall be provided to the student and the parent after the student reaches the age of majority.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.740 Records; Confidentiality

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- a) Students' records shall be maintained in accordance with the School Student Records Act [105 ILCS 10] and the rules of the State Board of Education (23 Ill. Adm. Code 375).
- b) Each school district shall protect the confidentiality of personally identifiable information during its collection, storage, disclosure, and destruction.
- c) All persons collecting or using personally identifiable information shall receive training or instruction regarding the State's and school district's policies and procedures and the requirements of this Part for ensuring the confidentiality of any personally identifiable information collected, used or maintained.
- d) Each school district shall maintain, for public inspection, a current listing of the names and positions of those employees within the local school district who may have access to personally identifiable information.
- e) Parents shall be afforded the opportunity to inspect, review, and copy all educational records with respect to the identification, evaluation, educational placement, and provision of FAPE to their child. Each school district shall provide parents on request a list of the types and locations of educational records collected, maintained, or used by the agency. If any educational record includes information on more than one child, the parents of any of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.
- f) The portion of each district's policies and procedures that is required pursuant to Section 226.710(b)(3) of this Part shall require that all information maintained concerning a student receiving special education be directly related to the provision of services to that child and shall address:
 - 1) the method by which information concerning a student will be collected;
 - 2) the confidential nature of ~~the such~~-information;
 - 3) the use to which such information will be put;
 - 4) how ~~the such~~-information will be recorded and maintained;
 - 5) the period for which ~~the such~~-information will be maintained;
 - 6) the persons to whom ~~the such~~-information will be available; and
 - 7) under what circumstances ~~the such~~-information will be made available.
- g) The portion of each district's policies and procedures referred to in subsection (f) of this Section shall be consistent with:
 - 1) The Illinois School Student Records Act;
 - 2) 23 Ill. Adm. Code 375 (Student Records);
 - 3) 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision);
 - 4) The Family Educational Rights and Privacy Act; and
 - 5) The Illinois Domestic Violence Act of 1986 [750 ILCS 60].

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(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 226.770 Fiscal Provisions

- a) Requirements Related to the Provision of FAPE
- 1) A school district is responsible for developing students' IEPs and remains responsible for ensuring that children receive all the services described in their IEPs in a timely fashion, regardless of whether another agency will ultimately pay for the services.
 - 2) A school district may look to non-educational entities such as insurance companies and the Medicaid program to pay for services for which such entities are otherwise responsible. The district must have written consent from parents in order to use their private insurance.
 - 3) Services required by an IEP must be provided at no cost to the child's parents, whether they have public or private insurance. Parents shall be notified that the use of their private insurance proceeds to pay for services is voluntary. In the case of a child who is dually insured (through private insurance and Medicaid), a family shall not be required to draw upon private insurance whose use is a prerequisite to billing Medicaid if that use of insurance will result in financial costs to the family.
 - 4) "Financial costs to the family" include:
 - A) Out-of-pocket expenses incurred in filing a claim, such as the payment of a deductible or required co-payment, but not including incidental costs such as the time needed to file an insurance claim or the postage needed to mail the claim;
 - B) A decrease in available lifetime coverage or any other benefit under an insurance policy;
 - C) Payment by the family for services that would otherwise be covered by the public insurance program and that are required for the child outside of the time the child is in school;
 - D) An increase in premiums or the discontinuation of a policy; and
 - E) A risk in terms of loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures.
- b) The federal regulations implementing the Individuals with Disabilities Education Act (see 34 CFR 300) establish detailed requirements for the use of federal funds in connection with service to students who are eligible under this Part. School districts and cooperative entities are required to comply with those federal requirements.
- c) ~~School districts and cooperative entities shall use federal matching funds received under Medicaid or the KidCare program only to supplement special education programs and services. Each school district or cooperative entity shall submit an~~

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~~annual record of its expenditures of these funds on a form supplied by the State Board of Education.~~

- d) Computation of Reimbursement Under Section 14-7.03 of the School Code
The amount of reimbursement for which a district shall be eligible under Section 14-7.03 of the School Code shall be computed by determining the actual cost of maintaining the program in accordance with the State Board's rules for Determining Special Education Per Capita Tuition Charge (23 Ill. Adm. Code 130), as further specified in this subsection (d).
- 1) The district's cost for administration and supervision shall be computed based on the relationship that the average daily membership of children in special education classes bears to the district's total average daily membership.
 - 2) The cost of buildings and facilities shall not exceed 10% of the expenditures for classes.
 - 3) All payments authorized by law, including State or federal grants for the education of children, shall be deducted when program reimbursement or per capita tuition is calculated.
 - 4) The total reimbursement for a child who is living in a residential care facility and who has been placed in a nonpublic special education program by the responsible district shall not exceed the amount authorized under Section 14-7.02 of the School Code.
- d)e) Eligibility of Students for Funding Under Section 14-7.03 of the School Code
- 1) A student who meets the requirements of Section 14-1.11a(5) of the School Code [105 ILCS 5/14-1.11a(5)] is eligible for reimbursement under Section 14-7.03 of the School Code if he or she:
 - A) is a resident of one of the residential care facilities described in Section 226.320 of this Part;
 - B) would not be a resident of that school district except by virtue of his or her placement in one of the residential care facilities described in Section 226.320(a) of this Part; and
 - C) has been declared eligible for special education and related services pursuant to this Part.
 - 2) A student who has been declared eligible for special education and related services pursuant to this Part and is living in a State residential unit or county-operated detention center is eligible for reimbursement under Section 14-7.03 of the School Code.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART I: PERSONNEL

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Section 226.800 Personnel Required to be Qualified

- a) General
- 1) Each school district, or the cooperative entity of which it is a member, shall employ sufficient professional and noncertified personnel to deliver and supervise the full continuum of special education and related services needed by the eligible students who reside in the district. The number and types of personnel employed shall be based on students' need rather than administrative convenience.
 - 2) Each district or cooperative entity shall periodically submit to the State Board of Education, on forms supplied by the State Board, the roster of the individuals who will be or are providing special education or related services. The State Board may request any additional documentation needed in order to verify that each ~~such~~ individual holds the qualifications that are required for his or her assignments-assignment(s).
 - 3) Reimbursement for personnel expenditures shall be made by the State Board only with respect to individuals who are qualified pursuant to this Section or pursuant to Section 226.810 or 226.820 of this Part.
 - 4) Each district or cooperative entity shall develop and implement a comprehensive personnel development program for all personnel involved with the education of children with disabilities.
- b) Professional Instructional Personnel
Each individual employed in a professional instructional capacity shall hold either:
- 1) a valid special certificate and the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.40 and 25.43; or
 - 2) another valid teaching certificate and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810 of this Part).
- c) An individual assigned as a vocational coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) has ~~have~~ two years' teaching experience;
 - 2) holds ~~hold~~ either a special preschool-age 21 certificate or a high school certificate; and
 - 3) has ~~have~~ completed at least 16 semester hours of college coursework, which shall at least include each of the areas identified in subsections (c)(3)(A) through (D) and may include one or more of the areas identified in subsections (c)(3)(E) through (I) of this Section:
 - A) Survey of the exceptional child;
 - B) Characteristics of the mentally retarded student;

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- C) Characteristics of the socially and/or emotionally maladjusted student;
 - D) Vocational programming for students with disabilities;
 - E) Characteristics of other exceptionalities;
 - F) Methods course in special education;
 - G) Guidance and counseling;
 - H) Educational and psychological diagnosis;
 - I) Vocational and technical education; ~~and~~
- 4) ~~submit evidence of meeting the requirements of this subsection (c) under cover of an application form supplied by the State Board of Education.~~
- d) An individual assigned as a teacher coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) ~~holds hold~~ either a special preschool-age 21 certificate endorsed for the disability area of assignment or a high school certificate with special education approval in the applicable disability area issued pursuant to Section 226.810 of this Part;
 - 2) ~~has have~~ completed a course in vocational programming for students with disabilities; ~~and~~
 - 3) ~~has have~~ at least one year's work experience outside the field of education or ~~has have~~ completed at least one course in either guidance and counseling or vocational and technical education; ~~and~~
 - 4) ~~submit evidence of meeting the requirements of this subsection (d) under cover of an application form supplied by the State Board of Education.~~
- e) An individual assigned as a business manager's assistant shall hold an administrative certificate endorsed for chief school business official pursuant to 23 Ill. Adm. Code 25.344.
- f) Qualified Bilingual Specialists
Professional staff otherwise qualified pursuant to this Section shall be considered "qualified bilingual specialists" if they meet the applicable requirements set forth in this subsection (f).
- 1) A holder of a special certificate endorsed in the area of responsibility pursuant to 23 Ill. Adm. Code 25.40 or 25.43 shall successfully complete a language examination in the non-English language of instruction and shall have completed coursework covering:
 - A) Psychological/educational assessment of students with disabilities who have limited English proficiency;
 - B) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition; and
 - C) Methods and materials for teaching students of limited English

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- proficiency or students with disabilities who have limited English proficiency.
- 2) A holder of an early childhood, elementary, or high school certificate who also holds special education approval in the area of responsibility (see Section 226.810 of this Part) shall successfully complete a language examination in the non-English language of instruction and shall have completed the coursework listed in subsections (f)(1)(A), (B), and (C) of this Section.
 - 3) A holder of an early childhood, elementary, or high school certificate who also holds approval to teach bilingual education or English as a second language shall have completed coursework covering:
 - A) Methods for teaching in the special education area of assignment;
 - B) Psychological/educational assessment of students with disabilities who have limited English proficiency, or psychological diagnosis for children with all types of disabilities; and
 - C) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
 - 4) A holder of a transitional bilingual certificate issued pursuant to 23 Ill. Adm. Code 25.90 and endorsed for the language of assignment shall have completed two years of successful teaching experience and have completed coursework covering:
 - A) Survey of children with all types of disabilities;
 - B) Assessment of the bilingual student, or psychological/educational assessment of the student with disabilities who has limited English proficiency;
 - C) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition;
 - D) Methods for teaching in the special education area of assignment; and
 - E) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
 - 5) A holder of a school service personnel certificate endorsed for guidance, school social work, or school psychology shall successfully complete an examination in the non-English language and shall have completed coursework in assessment of the bilingual student or psychological/educational assessment of the student with disabilities who has limited English proficiency.
- g) Directors and Assistant Directors of Special Education

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Each school district, or the cooperative entity of which it is a member, shall employ a full-time director of special education, who shall be the the chief administrative officer of the special education programs and services of the district or cooperative entity. The provisions of subsections (g)(1) and (2) of this Section shall apply through June 30, 2005. Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill Adm. Code 27.140 and 27.150.

- 1) Each director or assistant director of special education shall hold a valid administrative certificate issued pursuant to 23 Ill. Adm. Code 25.315 and a master's degree, including 30 semester hours of coursework distributed among all the following areas:
 - A) Survey of exceptional children;
 - B) Special methods courses (3 areas of exceptionality);
 - C) Educational and psychological diagnosis and remedial techniques;
 - D) Guidance and counseling; and
 - E) Supervision of programs for exceptional children.
- 2) Each individual who will function as a director or assistant director of special education shall submit an application for special education administrative approval on a form supplied by the State Board of Education.
- 3) Each school district, or the cooperative entity of which it is a member, ~~shall employ a full time director of special education and~~ shall submit to the State Board of Education a letter identifying the individual employed as the director of special education, ~~along with the minutes of the board(s) of education approving the individual's employment in that capacity.~~ If the individual is qualified as required, the State Board shall confirm that the individual is the State-approved director of special education for the district or cooperative entity.
- ~~4) The individual employed pursuant to subsection (g)(3) of this Section shall be the chief administrative officer of the special education programs and services of the district or cooperative entity.~~

h) Supervisors

- 1) Each district or cooperative entity shall employ sufficient supervisory personnel to provide consultation to and coordination of special education services.
- 2) Each individual performing a supervisory function shall hold a master's degree, including at least 15 semester hours of coursework distributed among all the following areas:
 - A) Survey of exceptional children;
 - B) Characteristics courses ~~course(s)~~ in the areas ~~area(s)~~ to be supervised;

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- C) Methods ~~courses~~ ~~course(s)~~ in the ~~areas~~ ~~areas(s)~~ to be supervised;
 - D) Educational and psychological diagnosis and remedial techniques; and
 - E) Supervision of programs for exceptional children.
- 3) Each individual performing a supervisory function shall also hold either:
- A) a valid special certificate in the area to be supervised, endorsed for supervision pursuant to 23 Ill. Adm. Code 25.322, with two years' teaching experience in that area; or
 - B) a valid school service personnel certificate, endorsed for supervision and two years' experience in the area to be supervised, ~~and a valid administrative certificate~~; or
 - C) a valid administrative certificate and either a valid special certificate endorsed for the area to be supervised or special education approval in that area.
- i) Chief Administrator of Special School
The chief administrator of a special school shall hold an administrative certificate with a general administrative endorsement issued pursuant to 23 Ill. Adm. Code 25.344 and either:
- 1) the qualifications required under 23 Ill. Adm. Code 25.43 in at least one disability area served by the school; or
 - 2) approval issued by the State Board of Education pursuant to Section 226.810 of this Part for at least one disability area served by the school.
- j) Other Professional Personnel
Each individual employed in a professional capacity not specified in subsections (a) through (i) of this Section shall, as appropriate to his or her assignment, hold:
- 1) the school service personnel certificate endorsed as appropriate to the area of responsibility (see 23 Ill. Adm. Code 25, Subpart D); or
 - 2) a valid license or permission to practice, if the individual's profession is governed by such a requirement and either no educational credential in the same or a related field is issued by the State Board of Education (e.g., for a physical therapist) or the School Code permits the individual to perform the functions ~~function(s)~~ assigned; or
 - 3) a credential, regardless of title, issued by a professional association or organization in the relevant field, when no educational credential in the same or a related field is issued by the State Board of Education and no license or permission to practice is required by the State (e.g., for a music therapist or a daily living skills specialist).
- k) Noncertified Personnel
- 1) Each noncertified professional individual employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff

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member.

- 2) Each program assistant/aide, as well as each nonemployee providing any service in the context of special education, shall function under the direct supervision of a professional staff member.
- 3) Each district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2) of this Section. Training ~~Such training~~ shall be in lieu of the requirements for noncertified personnel set forth in 23 Ill. Adm. Code 1, Subpart G.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Storage, Transportation, Sale and Use of Gasoline and Volatile Oils
- 2) Code Citation: 41 Ill. Adm. Code 180
- 3) Section Number: 180.20 Proposed Action:
Amendment
- 4) Statutory Authority: Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendment, the Office is updating Part 180 to increase the maximum allowable storage capacity of aboveground fuel storage tanks intended to be used for dispensing diesel fuel into private off-road equipment at mining facilities.

Currently, the Part 180.20 rules restrict the maximum allowable storage capacity for an aboveground fuel-dispensing storage tank to 2,500 gallons. The rules further restrict any facility to a maximum of two such storage tanks, resulting in a maximum facility storage capacity of 5,000 gallons.

The amendment is being proposed as the result of a petition to the agency from the Illinois Association of Aggregate Producers (IAAP) to allow an increase in the maximum capacity of aboveground “dispensing” storage tanks. Arguments have been presented that these facilities utilize off-road equipment that requires large daily fuel capacities and furthermore, are not able to be taken “over-the-road” to fuel service stations. In addition, underground fuel storage tanks are not practical at these facilities as the result of bedrock being located close to the surface and the need to periodically relocate storage tanks in order to either be closer to areas where mining equipment is being used or away from areas of the property that are to be mined.

The current rules already limit fuel dispensing from such aboveground tanks to vehicles used “in connection with their business” and not on a retail basis, and not at facilities open to the public. In accordance with currently existing rules, such aboveground fuel dispensing storage tanks are required to be separated by minimum distances from property lines, buildings, and other fuel storage tanks. The agency is proposing that these distances be increased at mining facilities where increased capacity storage will be allowed. Furthermore, the agency is proposing that mining facilities desiring to install such aboveground diesel fuel storage tanks of greater than the previously allowed 2,500 gallons capacity obtain the specific written permission of the local fire department having response jurisdiction to the mining facility.

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Local authorities have been, and will continue to be, allowed to prohibit such installations, or limit aboveground storage tank size to lower quantities within their jurisdictions.

The agency is proposing no change to the rules governing the application or on-site inspection procedures required to install and operate such an aboveground fuel dispensing storage tank. These facilities will continue to be required to submit plans and applications for the installation of aboveground tanks to the Office of the State Fire Marshal. Furthermore, an on-site inspection and approval by the Office of the State Fire Marshal is required to operate such tanks. Notification is, and will continue to be, made to the local fire authority having jurisdiction over the installation site in order to ensure their knowledge of such aboveground tank installations.

- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this amendment contain an automatic repeal date? No
- 8) Does this amendment contain any incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not expand a mandate upon local governments, small municipalities or non-profit organizations.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Jack Ahern
Deputy State Fire Marshal
Division of Fire Prevention
Office of the State Fire Marshal
100 West Randolph St., Suite 11-800
Chicago IL 60601
(312) 814-2693

Comments received within 45 days of the date after publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: Mining facilities installing, operating or owning aboveground fuel storage tanks for purposes of dispensing fuel into their own fleet of equipment, on a non-retail basis. (The proposed amendment modifies current rules to allow for greater storage capacity in aboveground fuel dispensing storage tanks at these facilities.)
 - B) Reporting, bookkeeping or other procedures required for compliance: Compliance with the proposed rule amendments will be determined by inspections conducted by fire prevention inspectors of the Office of the State Fire Marshal. Compliance is currently determined in this manner. The proposed amendments contain no changes to the method of enforcement of the rules, but simply change the maximum allowable storage capacity of the aboveground fuel storage tanks at mining facilities.
 - C) Types of professional skills necessary for compliance: The amendments propose no change to the qualifications required to perform work on, or related to, aboveground fuel storage tanks.
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The amendment is being proposed as the result of a request by the Illinois Association of Aggregate Producers to the agency to allow an increase in the maximum capacity of aboveground “dispensing” storage tanks specifically located at mining facilities. Arguments have been presented that, in order for owners to fuel large mining equipment that is not able to be driven to service stations, an increase in the allowable on-site aboveground storage capacity is required.

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

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 180

STORAGE, TRANSPORTATION, SALE AND USE OF
GASOLINE AND VOLATILE OILS

Section

180.10	Definitions
180.15	Incorporation of National Standards
180.20	Aboveground Storage – Dispensing
180.21	Dispensing Tank Connected by Associated Piping to a Bulk Tank
180.22	Retail Dispensing from Aboveground Tanks at Airports
180.23	Fueling of Aircraft from Tank Trucks
180.25	Home Rule Modification of Aboveground Storage – Dispensing (Emergency Expired)
180.30	Gasoline Containers Must Be Red
180.40	Industrial and Commercial Use
180.50	Use Within Buildings Restricted
180.60	No Pouring Into Sewers
180.70	Storage in Public Buildings Restricted
180.80	Use in Starting Fires
180.90	Keep Fire Away
180.100	Heating and Lighting Appliances
180.150	Dry Cleaning Plants
180.200	Oil Burning Equipment

AUTHORITY: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Gasoline and Volatile Oils – General Rules, filed July 10, 1958; amended July 23, 1965 and April 14, 1977; codified at 5 Ill. Reg. 10695; emergency amendment at 8 Ill. Reg. 24744, effective December 7, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 12719, effective August 12, 1985; emergency expired June 26, 1989; amended at 13 Ill. Reg. 14978, effective September 7, 1989; amended at 20 Ill. Reg. 4711, effective March 11, 1996; amended at 22 Ill. Reg. 3836, effective February 15, 1998; amended at 26 Ill. Reg. _____, effective _____.

Section 180.20 Aboveground Storage – Dispensing

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- a) Storage of Class I, II or III liquids (except kerosene) shall be in accordance with 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 170, except aboveground storage for dispensing may occur at the following facilities under the following circumstances:
- 1) Agricultural storage, which is limited to farms, tree nurseries, fish farms, tree farms, sod farms or orchards;
 - 2) Storage at commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business;
 - 3) Storage at construction sites for refueling construction equipment; or
 - 4) Storage at airports as addressed in Section 180.22 of this Part.
- b) Dispensing at the facilities specified in subsection (a)(2) shall only be in accordance with the following:
- 1) An inspection of the premises and operations has been made and approval granted by the Office of the State Fire Marshal (approval shall be granted if curb pumps are not present and if pumps are not located in any portion of a public roadway);
 - 2) The dispensing is done on premises not open to the public;
 - 3) The tanks are safeguarded against collision, spillage or overfill to the satisfaction of the authorities having jurisdiction;
 - 4) Each tank system is listed or approved for such aboveground use by the Office of the State Fire Marshal; in granting such approval, the Office shall consider the following elements:
 - A) leaks;
 - B) compatibility of the tank and line with the product contained in the tank;
 - C) whether any equipment has been recalled by the manufacturer;
 - D) whether wiring at the dispensing location is in a rigid metal conduit within a radius of 30 feet and is otherwise in compliance with the National Electric Code (NFPA 70) 1987 (no subsequent dates or editions); and
 - E) whether the dispensing location has seal-offs at all connections;
 - 5) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked;
 - 6) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation. The vent shall have a minimum unobstructed opening of one and one-half inches in diameter and the vent shall be elevated to a height of at least four feet (unless directed in writing by the Office of the State Fire Marshal to a greater height, based on construction characteristics of the tank and fire safety considerations) or unless approval in writing for a lower height is granted by the Office of

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the State Fire Marshal, based upon construction characteristics of the tank in question or unique physical conditions that prevent a vent of that height from being installed;

- 7) Tanks shall be equipped with a permanently connected pumping device listed by Underwriters Laboratories (UL) (as printed on page 4 of the Fire Protection Equipment Directory published by Underwriters Laboratories, January 1988 (no subsequent dates or editions)) or FM Engineering (as printed on page ii of the Factory Mutual System Approval Guide 1989 published by Factory Mutual Research Corporation, 1989 (no subsequent dates or editions)). The pump shall be equipped with a padlock to prevent tampering. An antisiphoning device shall be included in the pump discharge and siphons or internal pressure discharge devices are prohibited. Gravity method of discharge is prohibited;
- 8) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product they contain and "FLAMMABLE – KEEP FIRE AND FLAME AWAY", both in letters at least four inches high and in contrasting color from the tank on which they are marked;
- 9) Except as provided in Section 180.22 of this Part, and except tanks installed at mining facilities in accordance with subsection (b)(11), a maximum of two aboveground tanks per facility of up to 2,500 gallons each shall be allowed for storage of flammable or combustible liquids, provided such liquid is stored outside buildings in tanks a tank(s) constructed throughout of steel and made vapor tight (as determined by such tests as a pressure test and volumetric test). Tanks shall be designed and constructed according to standards specified in 41 Ill. Adm. Code 160.15, 160.70-160, 160.80-240; and
- 10) Tanks shall be kept outside and at least 30 feet from any building or combustible or flammable stored liquid or liquid petroleum and shall be so located, or such additional distance to buildings shall be provided, to insure that no vehicle, equipment or vessel being filled directly from any such tank shall be closer than 30 feet to any building, combustible or flammable stored liquid, liquid petroleum (LP) gas tank or property lines, except that a tank protected within a two-hour fire resistant enclosure (the time, in minutes or hours, that materials or assemblies have withstood a fire exposure as established in accordance with the test procedures of NFPA 251, Standard Methods of Fire Tests of Building Construction and Materials, 1985 (no subsequent dates or editions)) may be located adjacent to a structure after a request in writing to construct such an enclosure has been submitted to the Office of the State Fire Marshal and the Office has issued an approval in writing; and-

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- 11) Aboveground tanks used exclusively to fuel off-road diesel equipment at mining facilities shall be allowed a maximum capacity of 12,000 gallons per tank. Aboveground tanks of greater than 2,500 gallons capacity shall be separated from property lines, buildings, LP storage tanks, and other aboveground flammable or combustible liquid storage tanks by a minimum distance of 50 feet. The facility shall receive written approval from the local fire authority having response jurisdiction over the facility for the installation of tanks greater than 2,500 gallons capacity.
- c) Dispensing at facilities specified in subsections (a)(1) and (a)(3) of this Section shall only be in accordance with the following:
- 1) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked;
 - 2) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation or fire exposure; such vent shall have a minimum unobstructed opening of one and one-half inches in diameter;
 - 3) Tanks equipped with a permanently connected pumping device shall be equipped with a padlock to prevent tampering; an effective antisiphoning device shall be included in the pump discharge; and siphons or internal pressure discharge devices are prohibited;
 - 4) Tanks elevated for gravity discharge may be designed with an opening in the bottom or end of the tank for gravity dispensing of flammable or combustible liquids and shall be mounted and equipped as follows:
 - A) Supports to elevate the tank shall be of steel and designed to provide stability;
 - B) Openings for gravity discharge shall be equipped with an internal safety valve, which will close automatically in the event of fire through the operation of a heat actuated releasing device. The valve shall also be capable of being manually operated. If this valve cannot be operated manually, it shall be supplemented by a second manually operated valve. The gravity discharge outlet shall be provided with an approved hose equipped with a self-closing nozzle at the discharge end and be of a type that can be padlocked to its hanger to prevent tampering;
 - C) When not being used to dispense fuel, nozzles shall be hung off of the ground on a hanger and shall be padlocked in place to avoid tampering;
 - 5) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product they contain and "FLAMMABLE – KEEP FIRE AND FLAME AWAY", both in letters at least four inches high and in contrasting color from the tank on which they are marked;

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- 6) Facilities described in subsection (a)(1) of this Section shall be allowed a maximum of four aboveground tanks per facility of up to 2,500 gallons each for storage of flammable or combustible liquids, provided the total amount of any single type of fuel does not exceed 5,000 gallons, and any such liquid is stored outside buildings in a tank constructed throughout of steel and made vapor tight;
 - 7) Facilities described in subsection (a)(3) of this Section shall be allowed a maximum of two aboveground fuel dispensing tanks per facility of up to 2,500 gallons each for storage of flammable or combustible liquids, provided any such liquid is stored in a tank constructed throughout of steel and made vapor tight;
 - 8) Tanks installed or replaced after January 1, 1998 shall be located as required by subsection (b)(10) of this Section.
- d) Storage of Kerosene Inside Buildings ~~kerosene inside buildings~~.
- 1) At a facility, for personal or private use, a maximum of 12 gallons of kerosene inside buildings may be stored aboveground in containers that ~~which~~ meet the requirements of NFPA 30 (Flammable and Combustible Liquids Code) (1987).
 - 2) Sixty gallons or less may be stored in an aboveground tank at a facility for retail trade within a building, providing storage is in compliance with the following:
 - A) Storage is in a tank of at least 14 gauge steel or aluminum;
 - B) The tank ~~Tank~~ shall sit in a metal pan extending at least eight inches beyond the sides and rear of the tank and 18 inches beyond the front;
 - C) The tank shall be located on the first floor in an area supplied with natural light and ventilation;
 - D) The room or area where the tank is located shall be separated from any heat producing appliance, such as a hot water heater, furnace or space heater (radiators and hot air ducts are not considered heating appliances for this purpose), by one hour fire resistance as defined in ASTM E-119 (Fire Endurance Test) (1989);
 - E) The dispensing nozzle or spigot of the tank shall be spring loaded so as to return to the off position when pressure is stopped and so that pressure is constantly required to cause release of the kerosene;
 - F) The tank shall be blue in color and marked with the word "Kerosene" in letters at least two and one-half inches high in contrasting color.
 - 3) Sixty gallons or less may be stored in a metal drum at a facility for retail

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trade within a building, ~~provided~~ ~~providing~~ storage is in compliance with the following:

- A) The metal drum shall be stored in a storage cabinet that meets the requirements of 49 CFR Chapter I (1987);
 - B) The storage cabinet shall sit in a metal pan extending at least eight inches beyond the sides and rear of the storage cabinet;
 - C) The room or area where the storage cabinet is located shall be separated from any heat producing appliance, such as a hot water heater, furnace or space heater (radiators and hot air ducts are not considered heating appliances for this purpose), by one hour fire resistance as defined in ASTM E-119 (Fire Endurance Test) (1989); and
 - D) The design and construction of storage cabinets, except as otherwise provided in this subsection (d)(3), shall be in compliance with 4-3 of NFPA 30 (Flammable and Combustible Liquids Code) (1987).
- 4) Factory-sealed containers of 1-K grade kerosene may be stored at a facility for retail trade within a building in compliance with ASTM F 976-86 (Portable Kerosene Containers for Consumer Use) (1986) and 4-5.5 of NFPA 30 (Flammable and Combustible Liquids Code) (1987).
- e) Storage of kerosene outside buildings shall be in accordance with 41 Ill. Adm. Code 160 and 170, except a maximum of 550 gallons of kerosene may be kept aboveground at a facility (including at service stations) in a tank or tanks of 550 gallons or less capacity under the following conditions:
- 1) When located at a service station, the dispensing tank shall be in a location at least eight feet away from driveways and other areas used by vehicles for customers or to deliver products;
 - 2) The dispensing nozzle or spigot of the tank shall be spring loaded so as to return to the off position when pressure is stopped and so that pressure is constantly required to cause release of the product;
 - 3) The tank shall be a skid tank or on a noncombustible base and the area under the tank and for 24 inches in all directions shall be either paved or covered with gravel and kept free of vegetation and combustible material;
 - 4) The tank shall be blue in color and marked with the word "Kerosene" in letters at least two and one-half inches high in a contrasting color;
 - 5) The dispensing nozzle or spigot of the tank shall be locked when the kerosene is not being dispensed; and
 - 6) The kerosene may only be dispensed by the owner, lessor or lessee of the facility, or their employees; no self-service of kerosene from an aboveground tank shall be allowed.

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- f) Kerosene Labeling.
- 1) A sign with the following caution shall be posted at the point of sale and the dispensing point: "Caution Portable Unvented Kerosene Heaters Must Only Be Fueled With Grade 1-K Kerosene-". This sign shall be of all-weather material and not less than 12" x 18" in size with letters at least one inch high on a contrasting background; and
 - 2) Where other grades of kerosene than 1-K are offered for sale, the grade of kerosene shall be identified at the point of sale or dispensing.
- g) Any spill of Class I, II or III liquids in excess of 25 gallons at any facility at which they may be dispensed pursuant to this Section shall be reported to the Illinois Emergency Management Agency within 24 hours after such spill.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Proposed Action:
 112.78 Amendment
 112.83 Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments remove language about the discontinued Targeted Work Initiative (TWI) Program and update language to reflect current policy concerning the Teen Parent Services (TPS) Program.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois</u>
		<u>Register Citation</u>
112.251	Amendment	26 Ill. Reg. 10190; 7/12/02
112.252	Amendment	26 Ill. Reg. 10190; 7/12/02
112.253	Amendment	26 Ill. Reg. 10190; 7/12/02
112.254	Amendment	26 Ill. Reg. 10190; 7/12/02

- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 11) 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 date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures

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Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1	Description of the Assistance Program and Time Limit
112.2	Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.3	Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
112.5	Incorporation by Reference
112.6	The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Basis of Eligibility
112.61	Death of a Parent (Repealed)
112.62	Incapacity of a Parent (Repealed)
112.63	Continued Absence of a Parent (Repealed)
112.64	Unemployment of the Parent (Repealed)
112.65	Responsibility and Services Plan
112.66	Alcohol and Substance Abuse Treatment
112.67	Restriction in Payment to Households Headed by a Minor Parent
112.68	School Attendance Initiative
112.69	Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

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Section

112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section

112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

112.98	Exchange Program (Repealed)
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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

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112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	Income Limit

SUBPART H: PAYMENT AMOUNTS

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NOTICE OF PROPOSED AMENDMENTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Retrospective Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parent Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section

- 112.350 Child Care (Repealed)
- 112.352 Child Care Eligibility (Repealed)
- 112.354 Qualified Provider (Repealed)
- 112.356 Notification of Available Services (Repealed)

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- 112.358 Participant Rights and Responsibilities (Repealed)
- 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 112.364 Rates of Payment for Child Care (Repealed)
- 112.366 Method of Providing Child Care (Repealed)
- 112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

- 112.400 Transitional Child Care Eligibility (Repealed)
- 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
- 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
- 112.408 Qualified Child Care Providers (Repealed)
- 112.410 Notification of Available Services (Repealed)
- 112.412 Participant Rights and Responsibilities (Repealed)
- 112.414 Child Care Overpayments and Recoveries (Repealed)
- 112.416 Fees for Service for Transitional Child Care (Repealed)
- 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective

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January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended

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at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective

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August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997;

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emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. ____, effective _____.

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section 112.78 TANF Employment and Work Activities

- a) Education (Below Post-Secondary)
Participants who are not working are limited to Adult Basic Education/GED/ESL and short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education schedule, to participate in Job Readiness activities, job skills training, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged. In this activity, the individual receives

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information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (for example, GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

- 1) Assignment to Education (Below Post-Secondary)
 - A) Individuals to be assigned to Education may include but are not limited to individuals:
 - i) who do not have a high school degree or equivalent;
 - ii) who have limited English proficiency; and
 - iii) who do not read at or above a 9.0 grade level.
 - B) Educational activities may be combined with other activities if it is determined appropriate.
- 2) Approval criteria for education (Below Post-Secondary)
 - A) The program selected by the individual must be accredited under State law.
 - B) The individual's program must be needed for the participant to complete his or her Responsibility and Services Plan.
 - C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
 - D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- 3) Participation Requirements
 - A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
 - B) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:
 - i) active participation and pursuit of educational objectives;
 - ii) teacher's written remarks;
 - iii) grades;
 - iv) demonstrated competencies;
 - v) classroom exercises; and
 - vi) periodic test/retest results.
 - C) ISBE educational providers determine satisfactory progress based

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on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

- D) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
- E) Curriculum changes must be made with the prior approval of TANF staff and will be approved when the change is consistent with the Responsibility and Services Plan.
- F) Except for individuals attending high school, participation in Education (Below Post-Secondary) is limited to 24 months except that the individual may continue in the education program if he or she also works for at least 20 hours each week and the combined hours of work plus credit hours or class hours, as appropriate, equal at least 25 hours each week. Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit.

b) Vocational Training

Vocational Training is designed to increase the individual's ability to obtain and maintain employment. Vocational Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Vocational Training may include certificate programs. Participants who are not working are limited to short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education/training schedule, to participate in Job Readiness activities, job skills training, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow.

- 1) Approval Criteria For Vocational Training
 - A) The individual's program must be accredited under requirements of State law.
 - B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
 - C) Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged if the individual does not have a high school diploma or GED.

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- D) The individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
 - E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
 - F) Clients who are working at least 20 hours per week and whose combined work plus credit hours or class hours, as appropriate, equal at least 25 hours each week may be approved for vocational training after the two-year limitation.
 - G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
 - H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's Responsibility and Services Plan upon completion.
 - I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
 - J) Vocational Training may be combined with other activities if it is determined appropriate.
 - K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- 2) Participation Requirements
- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
 - B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
 - C) The individual must participate the assigned number of hours each week.
 - D) The client must complete all scheduled program enrollment hours

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each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

- E) Curriculum changes must be made with the prior approval of TANF and will be approved when the change is consistent with the Responsibility and Services Plan.
- c) Job Readiness
- 1) The Job Readiness activities are designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. These activities help individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.
 - 2) Assignment to Job Readiness
Job Readiness activities may be combined with other activities if it is determined appropriate.
 - 3) Participation requirements
 - A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
 - B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search activity in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort").
 - C) The individual must participate the number of assigned hours each week.
 - D) The individual must respond to a job referral, accept employment and respond to mail-in contact.
- d) Job Search
- 1) Description of Job Search
Job Search may be conducted individually or in groups. Job Search may include the provision of counseling, job seeking skills, training and information dissemination. Group Job Search may include training in a

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- group session.
- 2) Assignment to Job Search
 - A) If assessed as job ready, participants will be assigned to Job Search. If job ready clients are unable to find employment on their own, they will be reassessed and may be placed in a more appropriate activity within six months.
 - B) Individuals completing education or vocational training or Job Readiness training may be assigned to Job Search.
 - C) Job Search may be combined with other activities if it is determined appropriate.
 - 3) Participation Requirements
 - A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.
 - B) Individuals must contact employers in an effort to secure employment. Participants must make up to 20 acceptable employer contacts in a 30-day period.
 - C) Acceptable employer contacts may include but are not limited to:
 - i) a face-to-face contact with an employer or the employer's representative;
 - ii) the completion and return of an application to an employer;
 - iii) the completion of a civil service test required for employment with ~~State-state~~, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
 - iv) the completion and mailing of a resume with a cover letter to a recognized employer;
 - v) reporting to the union hall for union members verified to be in good standing; or
 - vi) registration with DES/Illinois Employment and Training Center (IETC).
 - e) Community Work Experience

TANF participants who have not found employment and who need orientation to work, work experience or training are placed on a supervised work assignment to improve their employment skills through actual Work Experience at private or not-for-profit employers, organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) such as enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) for a Federal office or agency with its consent, and, notwithstanding (31 ~~U.S.C.~~ USC 1342) or any other provision of law, such

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agency may accept such services but such participants shall not be considered to be ~~federal~~ ~~Federal~~ employees for any purpose.

- 1) Assignment to Community Work Experience
 - A) Community Work Experience is for:
 - i) participants who will benefit from working for an employer who provides a subsidized employment assignment to improve the individual's opportunity to attain self-sufficiency; or
 - ii) participants who need experience to prevent deterioration of, or to enhance, existing skills (for example, typing).
 - B) Entry into Community Work Experience
Participants are determined to be appropriate for Community Work Experience activity based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including, but not limited to, the individual's case record and Responsibility and Services Plan).
 - C) Community Work Experience Positions
Participants shall be assigned to a Community Work Experience position to increase the potential for attaining employment. The date participants are scheduled to begin the work assignment marks the beginning of participation in Community Work Experience. Community Work Experience activities may be combined with other activities if it is determined appropriate.
 - D) Enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.
- 2) Participation Requirements
 - A) The hours of the work assignment for a calendar month shall not exceed the family's monthly TANF grant and food stamp allotment divided by the higher of the State or federal minimum wage.
 - B) During work assignment, participants shall be required to perform Job Search activities unless a participant is in an education and training program. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.
 - C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

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- D) Participants must participate the number of assigned hours each week.
- 3) Review
Every six months, the participant's Responsibility and Services Plan will be reviewed. If continuing the work assignment will benefit participants in terms of furthering work skills (see subsections (e)(1)(A) and (B)), participants shall be reassigned to the same or another work assignment. In addition, participants will be assessed for assignment to another TANF activity.
- 4) Length of Assignment
Participants must participate in Work Experience for as long as the Responsibility and Services Plan reflects the need for this activity.
- 5) Anti-Displacement
Community Work Experience is subject to the provisions of Section 112.78~~(p)(4)~~.
- f) On the Job Training (OJT)
In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.
- 1) Assignment to OJT
- A) Job ready individuals may be assigned to OJT.
- B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
- C) Wages to participants in OJT shall not be less than the higher of the State or federal minimum wage.
- D) Wages to participants in OJT are considered earned income.
- E) OJT may be combined with other component activities if it is determined appropriate.
- 2) Participation Requirements
The individual must participate the assigned number of hours each week.
- 3) Supportive Services
Participants in OJT receive child care and Medicaid benefits.
- g) Work Supplementation Program
- 1) The Work Supplementation Program develops employment opportunities for TANF recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The goal of the Work Supplementation Program is to obtain jobs for TANF recipients, who might not be hired without a subsidy, with sufficient pay to take them off TANF.

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- 2) Eligible Participants
 - A) TANF participants who meet the selection criteria listed in subsection (g)(2)(B) of this Section are eligible to participate in the Work Supplementation Program. Participation in the program is voluntary. A TANF recipient who wants to participate in the Work Supplementation Program must agree to all provisions in this Section during the time of participation in the program.
 - B) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation, TANF recipients must meet the following criteria for selection to participate in the Work Supplementation Program:
 - i) the recipient must be the parent of at least one of the children in the TANF unit;
 - ii) the recipient must have completed the Job Search work activity; and
 - iii) the recipient must have no income other than TANF benefits.
 - C) Recipients identified for employment must be determined eligible for participation by their worker. The worker will recommend for participation in the Work Supplementation Program those participants who are likely to encounter difficulty in obtaining employment (for example, lack of skills for which jobs are available in the area, lack of work history).
 - D) Nothing in this Section should be construed as providing any recipient the right to participate in the program.
- 3) Benefits and Reporting Requirements While Participating in the Work Supplementation Program
 - A) Participants in the Work Supplementation Program are considered to be TANF recipients and remain eligible for Medical Assistance for the duration of their Work Supplementation Program participation. Child care, for cases that are eligible for a cash grant, will be regarded as employment child care.
 - B) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time (30 hours minimum) at the prevailing minimum wage, less applicable payroll taxes.
 - C) Participants are required to file quarterly reports as a requirement for continuing eligibility. Changes in income from sources other than the Work Supplementation Program job and/or circumstances must still be reported within five days after occurrence pursuant to 89 Ill. Adm. Code 102.50.

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- D) Wages paid under a Work Supplementation Program shall be considered to be earned income for purposes of any provision of law (42 ~~U.S.C.~~ USC 1614(e)(3)).
- 4) Duration of Program Participation
- A) Participants may not exceed a total of six months in the Work Supplementation Program subsidized placements regardless of the number of times an individual becomes a TANF recipient. The period of a single assignment is dependent upon the terms of the Work Supplementation Program contract that has been developed with the employer. Recipients will be informed of the length of the Work Supplementation Program subsidy period prior to placement.
- B) Participants who leave a supported work position without good cause (as defined in Section 112.80) are removed from the Work Supplementation Program and are subject to sanction.
- 5) Contracts with Employers
- A) Employers that participate in the Work Supplementation Program must enter into a written contract with the Department prior to receiving referrals.
- B) Employers must be in good standing (that is, in compliance with all applicable federal, State, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies ~~that which~~ have jurisdiction over their activities.
- C) Employers agree to screen clients to hire on their own payroll after six months. Failure to do so will result in the employer being terminated from the program.
- 6) Calculation of the Diverted Grants
- A) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Work Supplementation Program is made. The effective date of the diverted grant is the first day of the first full month of Work Supplementation Program wages.
- B) Work Supplementation Program participants are eligible only for the earned income budgeting disregards provided in Sections 112.141 and 112.143. The difference between the flat grant amount and revised amount is diverted to the wage pool.
- C) The difference between the payment level and the grant the participant receives is diverted and used in whole or in part to pay a wage subsidy to the employer.
- 7) Program Completion

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If the participant is no longer eligible for TANF benefits after the Work Supplementation Program period, a determination of continued medical eligibility shall be made in accordance with Section 112.330.

8) Anti-Displacement

The Work Supplementation Program is subject to the provisions of Section 112.78~~(p)(9)~~.

h) Post-Secondary Education

Post-secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 [225 ILCS 410], the Real Estate License Act of 1983 [225 ILCS 455], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State Universities Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690] and the Southern Illinois University Name Change Act [110 ILCS 505].

1) Approval Criteria For Post-Secondary Education

- A) The individual must have a high school diploma or a GED.
- B) Approval of post-secondary education is part of the process of developing the Responsibility and Services Plan (RSP) with the client. Factors to consider when determining whether post-secondary education is appropriate include, but are not limited to, the client's educational and work history, the client's aptitude for further education, the client's career goal, the client's ability to finance tuition and other expenses not provided by the Department, and the client's ability to arrange transportation, child care and other family obligations.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate to upgrade skills for current employment.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation or upgrade skills for current employment.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the Responsibility and Services Plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under requirements of

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State law.

- H) If needed, the individual must apply for all available educational benefits, such as the Pell Grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's Responsibility and Services Plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- K) The program selected may be no more than a program that will result in the receipt of a baccalaureate degree consistent with the Responsibility and Services Plan.
- L) For category 04 cases, the individual, unless exempted under (h)(1)(N) of this Section, must also be employed in unsubsidized work for at least 20 hours each week or be participating for at least 20 hours per week in one or more of the following paid or unpaid work activities:
- i) work study;
 - ii) practicums, clinicals, or vocational internships such as student teaching, if required by the institution to complete the educational program;
 - iii) apprenticeships;
 - iv) self-employment; or
 - v) enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (41 USC 4951 et seq.).
- In addition, the combined work or work activities plus credit hours or class hours, as appropriate, must equal at least 25 hours per week.
- M) For category 06 (two parent) cases, the parents in the case must be working or involved in approved work activities for a total of 35 hours per week, individually or combined.
- N) Clients in a category 04 case with an approved RSP for full-time post-secondary education and a cumulative 2.5 or better grade point average (on a 4.0 scale) may not be subject to the minimum

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work requirement, described in (h)(1)(L) of this Section, as follows:

- i) For the first semester, while the client is establishing a grade point average, the client will not be subject to the minimum work requirement. If a 2.5 grade point average is not achieved in the first semester, the client will be subject to the minimum work requirement in the second semester.
 - ii) As long as the client's cumulative GPA remains at least 2.5, the client will not be subject to the minimum work requirement.
 - iii) If the client's cumulative GPA falls below 2.5 at any time, the client may continue to go to school full-time for another semester without being subject to the minimum work requirement.
 - iv) If the cumulative GPA is below 2.5 two semesters in a row, the client will be subject to the minimum work requirement.
- O) Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in post-secondary education and receive supportive services, if eligible, during the current semester while they seek employment. If the individual has not reentered employment by the end of the current semester, the individual will not continue in post-secondary education and receive supportive services, but will be reassigned to another appropriate activity.
- 2) Participation Requirements
- A) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
 - B) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic

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- term to maintain satisfactory progress.
- C) Curriculum changes must be made with the approval of the TANF worker and will be approved when the change is consistent with the Responsibility and Services Plan.
- i) Job Development and Placement (JDP)
- 1) TANF staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.
 - 2) Assignment to JDP
Job ready individuals may be assigned to JDP.
- j) Job Retention
Job Retention is designed to assist participants in retaining employment. Job Retention expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding Job Retention skills. Counseling or job coaching may continue after employment begins as long as the individual continues to receive TANF.
- k) Self-Employment
Self-employment activities will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs and technical assistance programs. In order to be approved in the self-employment component, the self-employment development plan must be approved.
- 1) Assignment to Self-Employment
Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.
 - 2) Participation Requirements
Participants must participate in the assigned number of hours.
- l) Unstructured Community Service
Unstructured Community Service provides TANF participants with activities that emphasize and build on the individual's job seeking confidence by positively reinforcing the achievement of each small step gained in his or her successful advances toward employment. Activities may include volunteer work as well as job search contacts. Activities are closely monitored for compliance and for tracking the length of time that participants are assigned to Unstructured Community Service. At the reassessment the participant is assigned to the more structured work experience activity or Work First when the participant becomes more job ready. Participants are required to document their Job Search and Community Service activities. Activities must be at the State TANF Work Requirement level or as assigned by their Responsibility and Services Plan.

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~~m) Targeted Work Initiative (TWI)~~~~1) Selection of Participants~~

~~TANF cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the TANF activity requirement, unless the recipient is excused for one of the following reasons (other TANF exemption reasons listed in Section 112.71 do not apply to the TWI population):~~

~~A) The recipient is temporarily ill or chronically ill.~~

~~i) An individual is temporarily ill when determined by the local office, on the basis of medical evidence (for example, a statement from a medical provider) or on another sound basis, that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in a work activity. A sound basis for exemption on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery. Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion.~~

~~ii) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in a work activity. This includes a 12 week period of recuperation after childbirth.~~

~~iii) When an individual is determined either temporarily or chronically ill or incapacitated, the exclusion shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or, upon case review, the exemption will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual that the reevaluation is necessary.~~

~~B) The recipient provides full-time care for another household member due to that person's medical condition or incapacity.~~~~2) Work or Work First at 24 Months~~

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- ~~A) When the participant has been in TWI for 24 months, the participant must be working or in Work First to qualify the family for TANF, unless the participant is excused for one of the reasons in Section 112.78(m)(1). A participant who has been in TWI for 24 months who fails to cooperate with Work First shall make the family ineligible for TANF rather than be subject to sanction.~~
- ~~B) Beginning with the first month in TWI, the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24-month period.~~
- ~~3) Participation Requirements~~
~~During the 24-month eligibility period, participants must cooperate with the requirements of the TANF Program as described in Section 112.72. Participants who fail to cooperate shall be subject to sanction.~~
- ~~4) Sanctions~~
- ~~A) Reconciliation (see Section 112.77) will be attempted with participants who fail to meet participation requirements without good cause (see Section 112.80).~~
- ~~B) When reconciliation is unsuccessful, the TANF sanctions will apply (see Section 112.79).~~
- ~~5) Activity Assignments for TWI Participants~~
- ~~A) Initial Activity Assignment~~
~~Participants will be placed in an appropriate activity.~~
- ~~B) Assignment After 12 Months~~
- ~~i) Participants who have completed their appropriate activity and have not become employed after 12 months will be assigned to the Work First/Pay After Performance program.~~
- ~~ii) Participants in Work First must work at least 80 hours per month (20 hours per week for single-parent cases) or 120 hours per month (30 hours per week for two-parent cases) in an assigned Pay After Performance position to earn their TANF grant and food stamps. If the value of the participant's TANF grant plus food stamps divided by 80 or 120, respectively, does not equal the federal minimum wage, then the hours will be reduced accordingly. If the participant does not work 80 hours per month for single-parent cases or 120 hours per month for two-parent cases, the reduction per hour not worked will be the amount of the grant divided by 80 hours or 120 hours respectively. The maximum number of hours worked cannot exceed the amount of TANF and food stamp allotment divided by the minimum wage.~~

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- ~~iii) — Participants in Work First must also complete 20 employer contacts each month.~~
- ~~iv) — Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. A review will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.~~
- ~~v) — The Department will develop Work First/Pay After Performance positions with private employers or not for-profit or public agencies and will provide Worker's Compensation coverage for participants.~~
- ~~vi) — Work First/Pay After Performance for TWI participants is subject to the provisions of Section 112.78(q).~~
- ~~vii) — Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.~~
- ~~6) — Failure to participate is determined to have occurred:
 - ~~A) — if the participant does not report to the provider or employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or~~
 - ~~B) — if the participant has engaged in misconduct connected with the Work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior in performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer.~~~~
- ma) Work First/Pay After Performance ~~for Non-TWI Participants~~
 - 1) Participants who ~~are not in TWI and~~ quit employment without good cause or lose employment for reasons entirely out of their control (for example, plant closings or layoffs) will be required to participate in Work First/Pay After Performance for six months or until they obtain employment to the extent slots exist. To the extent that resources allow, job ready clients will also be targeted for Work First/Pay After Performance slots.
 - 2) Individuals in a TANF case, assigned to Work First, must participate in Work First an average of at least 20 hours each week to earn their TANF grant and food stamps plus 5 employer contacts per week. If the

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participant does not work 80 hours per month, the reduction per hour not worked will be the amount of the grant divided by 80 hours.

- 3) Nonexempt individuals in a two-parent TANF case must participate an average of at least 30 hours each week in Work First and 5 employer contacts per week. If the individuals do not work 120 hours per month, the reduction per hour not worked will be the amount of the grant divided by 120 hours.
- 4) If the value of the participant's TANF grant plus food stamps divided by 80 or 120, respectively, does not equal the federal minimum wage, then the hours will be reduced accordingly.
- 5) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.
- 6) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies. The Department shall provide Worker's Compensation coverage for participants. The Department will ensure all applicable employer safety laws are met for Work First/Pay After Performance assignments. Failure of an employer to do so will result in termination of the contract.
- 7) Work First/Pay After Performance ~~for non-TWI participants~~ is subject to the provisions of subsection (pq) of this Section.
- 8) Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.
- 9) Failure to participate is determined to have occurred:
 - A) if the participant does not report to the provider or employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or
 - B) if the participant has engaged in misconduct connected with the Work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior in performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer.

ne) Substance Abuse

- 1) Selection of Participants

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If alcohol or substance abuse is suspected as a barrier to employment during the family assessment process or at an intake interview, the client will be referred for a clinical assessment by an alcohol/substance abuse counselor. If treatment is indicated, the client will be required to follow-up as a condition of eligibility, unless the client is employed more than 30 hours per week or if treatment resources are not available.

2) Work Activity

Clients participating in alcohol/substance abuse treatment in accordance with their Responsibility and Services Plan are participating in a work activity.

3) Supportive Services

Supportive services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

4) Sanctions

A) Reconciliation will be attempted with clients who fail to cooperate with their treatment plan. Cooperation with the treatment plan will be defined by the alcohol/substance abuse provider, based on uniform guidelines.

B) When reconciliation is unsuccessful, the TANF sanctions will apply.

| op) Domestic Violence

1) Selection of Participants

All clients receiving TANF will have a family assessment completed. If domestic violence is a barrier to employment, the client will be referred to a domestic violence service provider.

2) Work Activity

Clients participating in domestic violence abuse treatment are in accordance with their Responsibility and Services Plan and are participating in a work activity.

3) Supportive Services

Supportive Services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

4) Sanctions

If the individual does not comply with the Responsibility and Services Plan relating to domestic violence, a sanction will not be imposed. The Responsibility and Services Plan will be reviewed, and other work related activities will be developed. Compliance will be required for the new activities.

| pa) Anti-Displacement and Grievance Procedure

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- 1) An employer may not utilize a work activity participant if such utilization would result in:
 - A) the displacement or partial displacement of current employees, including but not limited to a reduction in hours of non-overtime or overtime work, wages, or employment benefits; or
 - B) the filling of a position that would otherwise be a promotional opportunity for current employees; or
 - C) the filling of a position created by or causing termination, layoff, a hiring freeze, or a reduction in the workforce; or
 - D) the placement of a participant in any established unfilled vacancy; or
 - E) the performance of work by a participant if there is a strike, lockout, or other labor dispute in which the employer is engaged.
- 2) An employer who wishes to utilize work activity participants shall notify the appropriate labor organization in accordance with the applicable State statute [305 ILCS 5/9A-13].
- 3) Participants, other employees at the work site or their representative, may file a grievance with the Department if they believe the participant's work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
 - A) the name and address of the participant or other employee at the work site (the grievant);
 - B) the participant's case number (if grievant is participant);
 - C) the grievant's Social Security number;
 - D) Work Experience (work site); and
 - E) a statement as to why the grievant believes the participant is causing displacement.
- 4) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
 - A) the grievant;
 - B) the grievant's representative, if any;
 - C) the Work Experience Sponsor;
 - D) the Work Experience Sponsor's representative, if any; and
 - E) the Department's representative.
- 5) At the in-person conference, the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information is requested by the grievant and/or the Department.
- 6) Within 15 days after the in-person conference, the Department shall advise

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the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

- 7) If the Department concludes that displacement occurred (as described in subsection ~~(p)~~(q)(1) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF participants in addition to the participants involved in the grievance, the Department shall terminate those TANF participants' assignment to that work assignment Sponsor.
- 8) The Department, its employees or the Work Experience Sponsor shall not retaliate for filing a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Work Sponsor contract.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 112.83 Teen Parent Services

- a) ~~Teen Parent Services (TPS) Program provides Teen Parent Services Program assists pregnant or parenting teens age 19 or younger while in below post-secondary education or any age while in high school and who receive assistance under the Temporary Assistance for Needy Families (TANF) program. Teen Parent Services (TPS) helps young persons in school to obtain a high school diploma or equivalent so they can become self-sufficient and move from dependence to independence. The major goal of TPS is to provide case management services that assist pregnant or parenting teens; to participate in who are receiving TANF, in a minimum of 20 hours per week of education and/or related activities to enable them to attain a high school or alternative high school diploma; or GED certificate and move toward self-sufficiency.~~ The major objectives of TPS include:
 - 1) keeping pregnant or parenting teens in school and progressing toward achieving a high school diploma or GED certificate;
 - 2) providing on-site or making referrals to family-centered activities and services to meet personal, physical and social needs;
 - 3) to the extent resources allow, assuring that all of the pregnant or parenting young persons receive parenting skills, child growth and development instruction and health services delivery information;
 - 4) increasing paternities established and support paid by providing information and follow-up on the Child Support Enforcement program;

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- 5) instilling knowledge and modifying behaviors to enable long term self-reliance and thus breaking the generational cycle of welfare dependence; and
 - 6) developing an individualized Responsibility and Services Plan to move to economic self-sufficiency.
- b) Program Services
- 1) Teen Parent Services are available statewide. TPS participants who receive TANF are entitled to the same supportive services as TANF employment and work-activity participants as described in Section 112.82. Other TPS participants may receive supportive services as described in Section 112.82 to the extent the TPS budget allows. To be eligible to enroll, a person must be pregnant or a parent, under the age of 20, a recipient of TANF or other DHS services, such as Family Case Management, food stamps or Woman, Infant and Children (WIC) program, or DPA services such as FamilyCare, and not have a high school diploma or GED certificate.
 - 2) A participant who attains age 19 may remain in the Program for advancement of the participant's plan Family Assessment and Responsibility and Services Plan in effect until his or her twenty-first twentieth birthday. Upon completion of the plan TPS Responsibility and Services Plan, TANF the participants participant are is transitioned to the adult TANF Program (see Sections 112.70 through thru 112.82). A participant of any age who is in high school may remain in TPS while in high school when classes are in session, or when enrolled and expected to attend classes following semester break. Upon completion of high school, the participant may remain in TPS for up to six months for advancement of the Family Assessment and Responsibility and Services Plan in effect until his or her twentieth birthday.
- c) Teen Parent Services Program operates as follows:
- 1) TPS is administered by the Department of Human Services. Depending on the address of the participant, the program is operated either by DHS staff or under contract with health departments, community agencies, organizations, entities and educational institutions that are experienced in working with youth and trained in Departmental policies, programs and services.
 - 2) The Teen Parent Services Program shall:
 - A) Arrange and monitor the participant's education at a high school/alternative high school or GED program which is for a minimum of 20 hours per week.
 - B) Provide a program orientation that which includes:
 - i) information on program requirements;

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- ii) an explanation of the program activities/services, including program goals and participant responsibilities to attend classes for a high school diploma or GED certificate;
 - iii) an explanation of the supportive services available, including an assessment of the need for child care and transportation to attend classes;
 - iv) an explanation of the mandatory nature of the program for TANF recipients and the reconciliation process, including good cause and sanction; and
 - v) an explanation of the Department's programs, including but not limited to the income budgeting process (Work Pays); Child Support Enforcement Program; Child Care Program; and eligibility for the FamilyCare Program. Transitional Medical Assistance.
- 3) Conduct an assessment of strengths, weakness abilities and career interests, education and employment history, family health including family planning and a record of children's immunizations that were done or need to be done, prenatal care and identification of a primary care provider. During the assessment process, the worker is to obtain or otherwise determine the participant's current literacy level. TPS will develop an assessment a Family Assessment and plan Responsibility and Services Plan for each participant. The plan for TPS participants who receive TANF includes an agreement by the participant to cooperate with paternity establishment and child support enforcement and attend parenting and life skills classes if required. The plan for TPS participants who receive TANF must also include an agreement to not voluntarily quit a job without good cause as determined by the TPS case manager. The plan for all TPS participants Responsibility and Services Plan also establishes the responsibilities of the TPS case manager in helping the participant set up a plan to become self supporting. The TPS case manager provides the participant with the services necessary to allow the teen parent to move toward independence, including, but not limited to: education, employment and training programs; supportive services such as reimbursement for child care and transportation; and help in establishing paternity, getting a support order and collecting child support. Once completed, the plan is to be signed by the teen parent, if the teen receives TANF.
- 4) Conduct workshops and/or activities of interest and concern to participants as determined to be helpful to preparing the pregnant or parenting teen to complete his or her education and obtain employment. These activities include but are not limited to:

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- A) parenting instruction;
 - B) child growth and development classes;
 - C) home and family management instruction;
 - D) decision making skills;
 - E) life skills instruction;
 - F) structured and supervised study time;
 - G) volunteer work and peer tutoring;
 - H) work study; and
 - I) job readiness.
- 5) Offer a case management approach to customer service that which includes the use of intervention techniques to eliminate the barriers to ongoing participation and goal attainment by close monitoring and follow-up. The case manager works closely with the teen, his or her family and significant others in the process. The case manager provides or coordinates counseling and mediation services, advocacy, service referral and role modeling.
- 6) Facilitate health services delivery for pregnant or parenting teens and their children, particularly Early and Periodic Screening, Diagnosis and Treatment (EPSDT); prenatal care; instruction on postponing subsequent pregnancy; health and sexuality education including risk reduction for STD/HIV infection and abstinence; and information on birth control information and primary health care providers. Referral for drug and alcohol abuse prevention, violence prevention, and other health and safety related areas.
- 7) Having ongoing communication with the schools and/or community agencies that serve the teen parents to facilitate coordination of service delivery and school attendance.
- 8) For pregnant or parenting teens, provide assistance in the development of a child care plan and follow-up on referrals for the provision of child care. Referrals may be made to the Child Care Resource and Referral network (CCR & R) or any other customer serving agency in the community or any other source.
- 9) Conduct activities and events, including job fairs, related to employment development and job placement.
- 10) The following on-site or community education activities as needed: tutoring; GED; Adult Basic Education and literacy classes; return-to-school preparation classes; computer assisted literacy lab; computer assisted career exploration; or appropriate alternative.
- 11) On-site or community enrichment and goal directed activities such as: cultural, health, or education fairs; holiday celebrations; and paternal involvement sessions.

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- 12) Regular developmental parent-child activities including: on-site family literacy instruction; education field trips; teaching child play and communication; toy making; and parent-child parties.
 - 13) Upon completion of the TPS below post-secondary education plan, if the teen is under age ~~21-20~~, he or she may remain in TPS. ~~for up to six months from transition into the adult TANF Program. A parent of any age may remain in TPS while enrolled in high school. For participants who receive TANF, upon~~ Upon completion of TPS activity or when otherwise no longer eligible for TPS, the case is transferred to adult TANF employment services.
- d) Assignment to TPS Activities
- 1) Based on the ~~Family assessment Assessment~~ and plan Responsibility and Services Plan, the participant is assigned to one of the following activities: Education, Vocational Training, Job Readiness, or Job Search. Participation in each of the TPS activities consists of performance of related activities such as: enrolling in and attending school, English as a Second Language (ESL) instruction, training, or conducting a job search; and/or attending assigned group and/or individual activities. See Section 112.78 for description of program activities and participation requirements.
 - 2) If a need for services other than or in addition to TPS services is determined, the participant will be assisted in obtaining necessary services or will be referred to the appropriate provider.
 - 3) Every ~~thirty days six months or more frequently~~, the TPS worker shall reassess the plan and determine whether to continue, revise or terminate the participant's ~~plan Responsibility and Services Plan~~ and/or activity assignment.
 - 4) If the ~~plan Responsibility and Services Plan~~ and/or assigned activity are not suited to a participant's needs, the plan shall be revised with input from the participant and the TPS worker and, if necessary, the participant shall be assigned to a more suitable activity.
- e) Teen Parent Services Sanction (TANF participants only)
See Section 112.79 for TANF sanction rules for failure to cooperate with Teen Parent Services Program requirements.
- f) Good Cause for Failure to Comply with Teen Parent Services Participation Requirements (TANF participants only)
See Section 112.80 on good cause rules for failure to comply with Teen Parent Services participation requirements.
- g) Termination of TPS Cases
TPS cases shall be terminated for any of the following reasons:
- 1) the participant no longer receives assistance through TANF;

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- 2) the participant completes high school and is age ~~21~~ 20 or older or completes other below post-secondary education and is age ~~21-20~~.
- h) Reconciliation and Fair Hearings
See Section 112.77 for Reconciliation and Fair Hearings rules.
- i) TANF Supportive Services Expenses
In order to enable TPS participants to engage in TPS approved activities or to provide access to services for the treatment of physical, mental and/or substance abuse related problems for themselves and/or their children, payment requests for certain education or training expenses, initial employment/job retention expenses, job search allowance, child care and/or transportation costs may be approved by TPS workers. (See Section 112.82.)
- j) ~~Family Assessment and Responsibility and Services Plan (TANF participants only)~~
- 1) A young parent, who is required to participate in the Teen Parent Services (TPS) Program, must complete the assessment ~~Family Assessment~~ and plan ~~Responsibility and Services Plan~~. ~~The plan is completed as part of the Family Assessment.~~
- 2) The plan ~~Family Assessment and Responsibility and Services Plan~~ defines the responsibilities the young parent must meet to receive TANF cash assistance and what services the Department agrees to provide. The plan outlines family needs, the required activities and necessary supportive services. The plan must be signed by both the young parent and the TPS case manager. The plan sets the following goals for the young parent and describes how the Department will help the young parent to meet these goals:
- A) attend school to complete a high school education;
- B) establish paternity for the young parent's child or children and obtain child support;
- C) improve the young parent's parenting skills; and
- D) seek and obtain full-time employment.
- 3) Completion of the assessment ~~Family Assessment~~ and plan ~~Responsibility and Services Plan~~ is a TANF employment and work-activity requirement for TPS participants. Failure to cooperate in completing the plan shall result in a sanction as described in Section 112.79, if reconciliation is not successful, unless the participant has a child 12 weeks of age or younger.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part : Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: Proposed Action:
121.10 Amendment
- 4) Statutory Authority: Implementing Section 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and 7 CFR 273.2(e) (3).
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments revise the provisions for the scheduling of a second interview when the household has missed the first scheduled appointment. This rulemaking removes the requirement that the Department schedule a second interview. As a result of these proposed amendments, if the household fails to appear for the scheduled interview, the household will be responsible for requesting another interview. This change is in accordance with federal regulations at 7 CFR 273.2(e) (3).
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.20	Amendment	26 Ill. Reg. 11706; 8/2/02
121.26	Amendment	26 Ill. Reg. 9563; 7/5/02
121.59	Amendment	26 Ill. Reg. 11706; 8/2/02
121.63	Amendment	26 Ill. Reg. 11706; 8/2/02
121.151	Amendment	26 Ill. Reg. 9563; 7/5/02

- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules

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within 45 days of the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772
(217) 557-1547

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income

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121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)

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- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting
- 121.91 Monthly Reporting
- 121.92 Retrospective Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.120 Recertification of Eligibility
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

- 121.160 Persons Required to Participate
- 121.162 Program Requirements
- 121.163 Vocational Training
- 121.164 Orientation (Repealed)
- 121.165 Community Work

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- 121.166 Assessment and Employability Plan (Repealed)
- 121.167 Counseling/Prevention Services
- 121.170 Job Search Activity
- 121.172 Basic Education Activity
- 121.174 Job Readiness Activity
- 121.176 Work Experience Activity
- 121.177 Illinois Works Component (Repealed)
- 121.178 Job Training Component (Repealed)
- 121.179 JTPA Employability Services Component (Repealed)
- 121.180 Grant Diversion Component (Repealed)
- 121.182 Earnfare Activity
- 121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training
- 121.186 Good Cause for Failure to Cooperate
- 121.188 Supportive Services
- 121.190 Conciliation
- 121.200 Types of Claims (Recodified)
- 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
- 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
- 121.203 Collecting Claim Against Households (Recodified)
- 121.204 Failure to Respond to Initial Demand Letter (Recodified)
- 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
- 121.206 Determination of Monthly Allotment Reductions (Recodified)
- 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
- 121.208 Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

- 121.220 Work Requirement Components (Repealed)
- 121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)
- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

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SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill.

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Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days;

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amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; amended at 26 Ill. Reg. _____, effective _____.

SUBPART A: APPLICATION PROCEDURES

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Section 121.10 Interviews

- a) All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a food stamp office with a qualified eligibility worker prior to initial certification and all recertifications.
- b) Interview Process
 - 1) The individual interviewed may be the head of the household, spouse, any other adult member of the household who is sufficiently familiar with the household's circumstances to be able to assist in the determination of eligibility, or an authorized representative (see Section 121.1(e) (1) and (2)). The applicant may bring any person he/she chooses to the interview. Prior to beginning the interview, the applicant shall indicate which persons are not applying for food stamps because they are unable or unwilling to provide alien status verification.
 - 2) The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information.
 - 3) Households shall be advised of their rights and responsibilities during the interview, including the appropriate applications processing standard (see Sections 121.2 and 121.7) and the household's responsibility to report changes.
 - 4) The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.
- c) Waiver of Office Interviews
 - 1) The office interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because they are qualifying members as defined in Section 121.61.
 - 2) The office interview shall also be waived on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because of transportation difficulties or similar hardships which the Department determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to:
 - A) illness;
 - B) care of household member;
 - C) hardships due to residency in a rural area;
 - D) prolonged severe weather;

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- E) work or training hours which prevent the household from participating in an in-office interview.
- 3) The Department shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the office interview and shall document in the case file why a request for a waiver was granted or denied.
- 4) The Department has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be used only if the time of the visit is scheduled in advance with the household. However, a home visit interview for redetermination of eligibility for financial assistance/recertification does not have to be scheduled with the household in advance.
- 5) Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.
- 6) Waiver of the face-to-face interview shall not affect the length of the household's certification period.
- d) The Department shall schedule all interviews as promptly as possible to ensure the eligible households receive an opportunity to participate within ~~thirty (30)~~ days after the application is filed. If a household fails to appear for the scheduled interview, the household is responsible for requesting another interview.
- ~~1) If a household fails to appear for the first interview, the Department shall attempt to schedule another interview. The interview shall be rescheduled by the Department without requiring the household to provide good cause for failing to appear.~~
- ~~2) If the household does not appear for the rescheduled interview, the Department shall not initiate action to schedule any further interviews unless the household requests that another interview be scheduled.~~
- ~~3) For recertification applications, the Department shall schedule only one interview after the application is filed. The household is responsible for requesting another interview if the one scheduled is missed.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Administration of Social Service Programs
- 2) Code Citation: 89 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
130.15	Amend
130.20	Amend
130.25	Amend
130.30	Amend
130.35	Amend
130.40	Amend
130.45	Amend
130.46	Amend
130.50	Amend
130.60	Amend
130.70	Repeal
130.71	Repeal
130.80	Amend
130.85	Add
130.100	Amend
130.110	Amend
130.120	Amend
130.130	Amend
130.140	Amend
130.150	Amend
130.152	Amend
130.154	Amend
130.160	Amend
130.161	Repeal
130.162	Amend
130.170	Repeal
- 4) Statutory Authority: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13]; and Sections 2 and 3 of the Domestic Violence Shelters Act [20 ILCS 1310/2 and 3].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment will clarify and more accurately reflect the service provision under the Title XX Social Services Block Grant.

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- 6) Will this proposed rulemaking replace an emergency amendment currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
3rd Floor, Harris Building
Springfield, Illinois 62762
(217) 785-9772
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not-for profit corporations affected: Public and private social service providers providing services under the Title XX Social Services Block Grant programs.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Regulatory Agenda on which this rulemaking was summarized: None
- 12) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: this amendment was not anticipated prior to filing the most recent Regulatory Agenda.

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER c: SOCIAL SERVICESPART 130
ADMINISTRATION OF SOCIAL SERVICE PROGRAMSSUBPART A: TITLE XX SOCIAL SERVICES BLOCK GRANT PROGRAM

Section

130.10	Program Administration
130.15	Definitions
130.20	Goal of Services
130.25	Service Activities
130.30	Expenditure of Block Grant Funds
130.35	Limitations on Services and Expenditures
130.40	Eligibility For Services
130.45	Opportunity to Apply For and Receive Services
130.46	Client Case Records
130.50	Purchase of Services
130.60	Record Retention
130.70	Fees for For Purchased Services
130.71	Fees for For Services Provided Through Grants-In-Aid
130.80	Reporting Requirements
<u>130.85</u>	<u>Reporting and Audit Requirements</u>

SUBPART B: LOCAL INITIATIVE FUND PROGRAM

Section

130.100	Applicability of Of Other Sections
130.110	Overview
130.120	Program Administration
130.130	Request for For Proposal
130.140	<u>Sponsoring Allied</u> Agency Responsibilities
130.150	Funding Mechanism
130.152	Sources of Local Funds
130.154	Sources of Locally Generated Funds <u>and In-kind Contributions</u> Used to Match Title XX Funds
130.158	Donor Restrictions on Donations (Repealed)
130.160	Reimbursement Process – Donations (Transferred Funds or Co-Payments)

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- | 130.161 Advance Disbursement System (Repealed)
- | 130.162 Reimbursement Process (Certification of Expended Funds)
- | 130.170 Assignment of Budget Costs (Repealed)

SUBPART C: DOMESTIC VIOLENCE PROGRAM

Section

- 130.200 Domestic Violence Shelter and Service Programs

SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

Section

- 130.300 Program Administration
- 130.301 Definitions (Repealed)
- 130.302 Allocation Methodology for Federal Surplus Commodities (Repealed)
- 130.310 Distribution Network Agencies (Repealed)
- 130.311 Local Distribution Centers (Repealed)
- 130.312 Liability of Distribution Network Agencies (Repealed)
- 130.313 Reports and Maintenance of Records (Repealed)
- 130.314 Payment for Distribution (Repealed)
- 130.315 Second Harvest Shared Maintenance Fees (Repealed)
- 130.320 Eligibility to Receive Commodities (Repealed)
- 130.321 Issue Rates of Commodities (Repealed)
- 130.322 General Program and Provider Requirements

SUBPART E: SERVICES FOR THE HOMELESS

Section

- 130.400 Emergency Food and Shelter Program

SUBPART F: INCORPORATION BY REFERENCE

Section

- 130.500 Incorporation By Reference

AUTHORITY: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13]; and Sections 2 and 3 of the Domestic Violence Shelters Act [20 ILCS 1310/2 and 3].

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SOURCE: New rules adopted and codified at 8 Ill. Reg. 6069, effective April 25, 1984; amended at 9 Ill. Reg. 8645, effective May 22, 1985; amended at 9 Ill. Reg. 15882, effective October 6, 1985; amended at 10 Ill. Reg. 11915, effective July 3, 1986; amended at 11 Ill. Reg. 2828, effective January 30, 1987; amended at 13 Ill. Reg. 3831, effective March 17, 1989; amended at 13 Ill. Reg. 16756, effective October 13, 1989; amended at 14 Ill. Reg. 13772, effective August 20, 1990; amended at 14 Ill. Reg. 14537, effective August 29, 1990; amended at 15 Ill. Reg. 16112, effective November 1, 1991; amended at 16 Ill. Reg. 13292, effective September 1, 1992; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 24 Ill. Reg. 13669, effective August 23, 2000; amended at 26 Ill. Reg. _____, effective _____.

SUBPART A: TITLE XX SOCIAL SERVICES BLOCK GRANT PROGRAM**Section 130.15 Definitions**

~~"Allied agency" means any State department, commission, board, bureau, institution, or other body of the State described in Title XX Projected Expenditure Report as providing social services under the auspices of the Title XX Social Services Block Grant.~~

"Community Services Agreement" means the agreement between the Department and a provider of social services detailing the activities to be performed by the provider and the manner and amount of payment a provider is to receive.

"Donated Funds Initiative" means the funding mechanism established by the State to make federal funds available to local service providers on a cost sharing basis through ~~either~~ the Local Initiative Fund or the Special Purposes Trust Fund. ~~or the Special Purposes Trust Fund.~~

"In-kind Contributions" means property or services that benefit a federally assisted project or program and that are contributed by non-federal third parties without charge to the grantee, or a cost-type contractor under the Community Services Agreement.

"Local Initiative Fund" means the State account, established outside the treasury, used to receive and disburse federal funds to be utilized to reimburse contract social service providers for services provided.

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“Report on Projected Expenditures for the Title XX Social Services Block Grant” means the report that describes the intended use of funds made available through the Title XX Social Services Block Grant.

~~“Purchase of Service Contract” means the contract between an allied agency and a provider of social services detailing the activities to be performed by the provider and the manner and amount of payment a provider is to receive.~~

“Service Provider” means any entity that provides social services either directly or through contract with the Department or through subcontract.

“Social Services” means services included and defined in the State of Illinois Report on Projected Expenditures for the Title XX Social ~~Service~~ Services Block Grant.

“Sponsoring Agency” means any State department described in the Report on Projected Expenditures for the Title XX Social Services Block Grant as collaborating with the Department in planning for the provision of social services under the auspices of the Title XX Social Services Block Grant.

~~“Title XX Projected Expenditure Report” means the report which describes the intended use of funds made available through the Title XX Social Services Block Grant.~~

“Title V” means the Maternal and Child Health Services Block Grant.

“Title XVIII” means the Health Insurance for the Aged and Disabled.

“Title XIX” means Grants to States for Medical Assistance programs.

“Title XX Social Services Block Grant” means the consolidated federal assistance granted to states in a single grant, increasing state flexibility in using social service grants, and encouraging each state, as far as practicable, to furnish services directed at one or more of the five national goals.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.20 Goal of Services

The Department ~~Each allied agency~~ shall determine ~~define~~ the service~~service(s)~~ it intends to

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provide with the Title XX Social Services Block Grant Funds. Services must be directed at one or more of the following national goals:

- a) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;
- b) achieving or maintaining self-sufficiency, including reduction or prevention of dependency;
- c) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, ~~rehabilitating-rehabilitating~~, or reuniting families;
- d) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and
- e) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.25 Service Activities

~~The a)Each Allied Agency must provide the~~ Department shall provide each sponsoring agency with a description of all such service activities for inclusion in the Report on Title XX-Projected Expenditures Expenditure for the Title XX Social Services Block Grant. Report. ~~The description must include:~~

- 1) ~~estimates of projected expenditures and the number of clients for each service to be provided;~~
 - 2) ~~the categories or characteristics of individuals to be served with Title XX Block Grant funds with any changes in client categories or characteristics from the preceding year and the reasons for the change;~~
 - 3) ~~the agency's programmatic directions for the year; and~~
 - 4) ~~the services to be provided including any changes from the preceding year.~~
- b) ~~In instances where an allied agency changes, adds, or deletes a service, or major service component (a principle agency cost item or benefit derived by an individual from the service, as identified in the Title XX Projected Expenditure Report), or changes service availability, it must provide information concerning the following:~~
- 1) ~~needs assessment activities it has undertaken in the development of programmatic direction; and~~
 - 2) ~~service planning and evaluation activities, either recently completed, underway, or planned which relate to the changes made.~~

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(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.30 Expenditure of Block Grant Funds

Expenditures ~~Allied agency expenditures~~ for social services that ~~Social Services which~~ are used as a basis for claiming Title XX Social Services Block Grant program funds may include expenditures for:

- a) administration (including planning and evaluation);
- b) personnel training and retraining directly related to the provision of services included in the Report on Projected Expenditures for the Title XX Social Services Block Grant ~~Projected Expenditure Report~~; and
- c) conferences or workshops and training or retraining through grants to non-profit organizations within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 the United States, 1954 (26 U.S.C., 501(c)(3)) or to individuals with social services expertise, or through financial assistance to individuals allied agency and service provider staff participating in such conferences, workshops, and training or retraining.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.35 Limitations on Services and Expenditures

Pursuant to 42 USC 1397d, funds made available ~~to allied agencies~~ through the Title XX Social Services Block Grant may not be used ~~for~~:

- a) for the ~~The~~ purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility;
- b) for the ~~The~~ provision of cash payments for costs of subsistence or for the provision of room and board (other than costs of subsistence during rehabilitation, room and board provided for a short term as an integral but subordinate part of a social service, or temporary emergency shelter provided as a protective service); ~~45 CFR 96.71(a)(1982)~~;
- c) for the ~~The~~ provision of medical care (other than family planning services, rehabilitation services, or initial detoxification of an alcoholic or drug dependent individual) unless it is an integral but subordinate part of a social service for which grants may be used under Title XX; and the medical activity is not available to the individual under another federal or state program;
- d) for social ~~Social~~ services (except services to an alcoholic or drug dependent individual or rehabilitation services) provided in and by employees of any

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- hospital, skilled nursing facility, intermediate care facility, or prison, to any individual living in such institution;
- e) for the ~~The~~ payment of the wages of any individual as a social service (other than payments of the wages of welfare recipients employed in the provision of child day care services);
- f) for the ~~The~~ provision of any educational service ~~which~~ the State ~~state~~ makes generally available to residents without cost and without regard to income; ~~(Sections 14-1.01 et seq. of "The School Code", Ill. Rev. Stat. 1983, ch. 122, pars. 14-1.01 et seq.);~~
- g) for any ~~Any~~ child day care services ~~which do not~~ unless such services meet applicable standards of State ~~established by state law~~ and local law; ~~(Section 2211 et seq. of "The Child Care Act of 1969", Ill. Rev. Stat. 1983, ch. 23, pars. 1 et seq.); or,~~
- h) for the ~~The~~ provision of cash payments as a service (except as otherwise provided permitted in 42 USC 1937; this section)
- i) for the payment for any item or service (other than an emergency item or service) furnished:
- 1) by an individual or entity during the period when the individual or entity is excluded under Title XX, Title V, Title XVIII, or Title XIX pursuant to 42 USC 1320a-7, 1320a-7a, 1320c-5 or 1985u(j)(2); or
 - 2) at the medical direction or on the prescription of a physician during the period when the physician is excluded under Title XX, Title V, Title XVIIIa, or Title XIX pursuant to 42 USC 1320a-7, 1320a-7a, 1320c-5 or 1395u(j)(2) and when the person furnishing the item or service knew or had reason to know of the exclusion after a reasonable time period and after reasonable notice has been furnished to the person; or
- j) in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997 (42 USC 14401 et seq.).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.40 Eligibility For Services

- a) The Department, through the Report on Projected Expenditures for the Title XX Social Services Block Grant, Each allied agency which provides services through the Title XX Block Grant Program shall define the criteria on which eligibility for services so provided will be based.
- b) The service provider shall further define the characteristics for the population to be served in accordance ~~criteria shall be consistent~~ with the mission or inherent responsibility of the sponsoring agency ~~as and be~~ promulgated in official policy

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- and/or State administrative rule, as appropriate, ~~for by~~ the sponsoring agency.
- e) ~~Standards for eligibility shall be based on:~~
- 1) ~~characteristics of the individuals to be served which are verifiable (i.e., income, age, residence, handicap, or area of residence); and/or~~
 - 2) ~~Common geographic area of residence of individuals to be served if it can be documented (through survey, census information, etc.) that substantially all of the individuals in the geographic area have incomes within an established guideline, as determined by the allied agency; and/or~~
 - 3) ~~common characteristics of individuals which would document a need for the service to be provided, as determined by the allied agency; and/or~~
 - 4) ~~Individual or family income.~~
- d) ~~If more than one allied agency uses income as the primary basis for eligibility for the same or like services, the income standard and eligibility level shall be the same for all agencies. The standard to be used shall be agreed to by the allied agencies involved.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.45 Opportunity to Apply For and Receive Services

- a) Service providers ~~Allied agencies~~ shall provide each individual wishing to do so an opportunity to apply for services offered through the ~~agency's~~ Title XX Social Services Block Grant program.
- b) To the extent that financial and program resources are available, all service providers ~~agencies~~ shall provide services to clients determined eligible in accordance with established criteria. ~~established by the allied agency.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.46 Client Case Records

Service providers ~~Each service provider~~ participating in the Title XX Social Services Block Grant program must maintain client case record information in a manner prescribed by the Department and set forth in the contractual agreements and established by policy and procedure. ~~which documents:~~

- a) ~~The persons to whom services are being provided,~~
- b) ~~Services being provided,~~
- c) ~~That the client meets the established eligibility criteria for the service as specified in the Title XX Projected Expenditure Report, the client has a need for the service being provided, and the client is likely to benefit from the service(s), and~~

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~~d) The dates of service eligibility and specific service provision.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.50 Purchase ~~of~~ Services

~~The Department Allied agencies~~ may purchase social services for eligible clients through the Title XX Social Services Block Grant under the following conditions:

- a) A written contractual agreement must be executed between the Department allied agency and the service provider that which meets all requirements of the Illinois Purchasing Act [30 ILCS 505] ~~(Ill. Rev. Stat. 1983, ch. 127, pars. 132.1 et seq.)~~, ~~policies and procedures of the allied agency~~, and federal regulations (45 CFR 96, 1983) established for the administration of the Title XX Social Services Block Grant program. ~~(See SUBPART B of this Part for specific requirements relating to a service provider(s) participating in the Local Initiative Fund).~~
- ~~b) Where applicable, rates of payment for purchased services may not exceed rates established by the Governor's Purchased Care Review Board which may be found through the Office of Health Finance, Department of Public Health (see Department of Children and Family Services 89 Ill. Adm. Code 356 for Rate Setting).~~
- be) The service provider is subject to audit under terms of the contractual agreement contract in accordance with 42 USC 1397(e) and Section 130.85 130.80 of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.60 Record Retention

- a) Service providers must ~~Each allied agency which participates in the program shall maintain or, in the case of contract service providers,~~ assure the maintenance of records in a manner prescribed by the Department and as enumerated in the contractual agreement, necessary for the proper and efficient administration of services provided with Title XX Social Services Block Grant funds. ~~Such records include: records regarding application for services and documentation of eligibility, the provision of a specific service, the administrative costs, and statistical and fiscal records.~~
- b) In accordance with the contractual agreement, all ~~All~~ records shall be maintained for a period of five ~~three~~ years beyond the close of the fiscal year in which the expenditures occurred, unless there is an audit in which case the records shall be maintained until the audit is concluded.

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(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.70 Fees ~~for~~ Purchased Services (Repealed)

- a) ~~Allied agencies may provide for a schedule of fees to be associated with a service or set of services provided under the Title XX Block Grant Program. Proposal for fees for service must be submitted to the Department for review. A schedule of fees must meet the following conditions:~~
- ~~1) The maximum fee for a service may not exceed the cost of the service.~~
 - ~~2) The fee for service must be related to the individual's or family's ability to pay.~~
 - ~~3) Fee schedules must be officially promulgated in allied agency policy and/or state administrative rule as appropriate.~~
 - ~~4) Fee schedules may be different for different services or different geographic areas but must be consistent within geographic areas, as established by the allied agencies, and service type as established in the Title XX Projected Expenditure Report.~~
 - ~~5) Fees may not serve to compensate a contract service provider for a unit of service rate which exceeds a rate established for that service by the Governor's Purchased Care Review Board and/or the Purchase of Service Contract.~~
 - ~~6) There must be a written guidelines for collection and disposition of fees including minimum requirements detailing procedures which must be followed to collect fees.~~
- b) ~~Specific geographic areas or classes of individuals may be exempted from fees if it can be documented that:~~
- ~~1) There is a pervasiveness of poverty in the geographic area (according to annual poverty guidelines published annually by the United States Department of Agriculture or the Department of Health and Human Services in the Federal Register); or~~
 - ~~2) The imposition of a fee for certain individuals would detract from the effectiveness of the service.~~
- c) ~~Allied agencies which have a schedule of fees for a service funded through the Title XX Block Grant must advise service providers of the schedule of fees and the requirements for fee collection and disposition.~~
- d) ~~Service providers must assess fees, make a reasonable effort to collect fees, and maintain records which document assessment, collection and disposition of fees. A reasonable effort to collect fees includes: Documentation that fees are actually collected to a significant degree in accordance with the guidelines for the~~

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~~collection and disposition of fees established by the allied agencies and approved by the Department and collection notices are routinely issued by the service provider.~~

- e) ~~No fees for Title XX services shall be imposed by a service provider other than those set by the allied agency through an approved schedule of fees.~~

(Source: Repealed at 26 Ill. Reg. _____, effective _____)

Section 130.71 Fees ~~for~~ Services Provided Through Grants-In-Aid (Repealed)

~~Allied agencies may provide for fees to be associated with a service or set of services funded through Title XX and provided by programs receiving grants in aid. Fee schedules must meet the following conditions:~~

- a) ~~The maximum fee for a service may not exceed the cost of providing the service.~~
- b) ~~The fee for service must be reasonably related to the individual's or family's ability to pay (i.e. no fee are assessed to any recipient of a financial assistance program established by the State or Federal government and the fees at the upper end of the schedule must approximate actual cost of the services).~~
- c) ~~Guidelines for the development of fee schedules of Grant In Agencies must be officially promulgated in allied agency policy and/or state administrative rule as appropriate.~~
- d) ~~Fees may not serve to compensate a contract service provider in excess of the total amount specified in the grant proposal. Excess fees must be used to offset State grant in aid funds.~~
- e) ~~There must be written guidelines for collection and disposition of fees including minimum requirements detailing procedures which must be followed to collect fees.~~

(Source: Repealed at 26 Ill. Reg. _____, effective _____)

Section 130.80 Reporting Requirements

Annually service providers shall provide the Department, in a manner prescribed by the Department and set forth in established policy and procedures, with reports pertaining to activities carried out with Title XX Social Services Block Grant funds. The Department reserves the right to require additional reporting based on data collection needs.

- a) ~~Annually each allied agency shall provide the Department with information concerning the socio-demographic characteristics, or other documentable characteristics of individuals or families being served by the allied agency. The information, submitted in such manner and such form as prescribed by the~~

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~~Department, shall include actual or projected expenditure categories of clients served by service, socio-demographic data, and other information necessary to meet requirements of Federal and State law and regulations related to each specific service offered by the allied agency through funds made available by the Title XX Social Services Block Grant.~~

- ~~b) Allied agencies shall provide the Department with reports concerning the activities carried out with Title XX Block Grant funds. Reports are to include actual expenditures and categories of clients served.~~
- ~~c) The Department shall, not less frequently than every two years, cause the records of expenditures and services delivered by allied agencies with Title XX Block Grant Program funds to be audited. Such audits shall be conducted by an independent entity in accordance with generally accepted auditing principles (Standards for Audit of Governmental Organizations, Programs, Activities and Functions (1981)).~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.85 Reporting and Audit Requirements

- a) The Department shall, not less frequently than every two years, cause the records of expenditures and services delivered by service providers receiving Title XX Social Services Block Grant funds to be audited in a manner prescribed by the Department and as set forth in contractual agreements and established policy and procedure.
- b) Such audits shall be conducted by an independent entity in accordance with generally accepted auditing standards, Government Auditing Standards (1988) and OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations".
- c) A representative sample of service providers' client case records shall be tested for compliance with reporting requirements established in Section 130.46 of this Part and reconciled to monthly service reports forwarded to the Department.
- d) For those contracts requiring the service provider to obtain/provide matching funds, a representative sample of the service providers' matching fund receipts/transfers shall be tested for compliance with the requirements established in Subpart B, Sections 130.150 through 130.160 of this Part.

(Source: Added at 26 Ill. Reg. _____, effective _____)

SUBPART B: LOCAL INITIATIVE FUND PROGRAM

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Section 130.100 Applicability ~~of~~ ~~Of~~ Other Sections

Subpart A of this Part is applicable to the Local Initiative Fund ~~and Special Purpose Trust Fund.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.110 Overview

- a) The Local Initiative Fund was established to make a portion of the Title XX Social Services Block Grant ~~Federal~~ monies received by the Department available to local public and private service providers. This fund is also the mechanism for funding the Donated Funds Initiative.
- b) The Department will make use of the Local Initiative Fund as governed by the appropriations authority established by the Illinois General Assembly (Section 12-10.1 of the Illinois Public Aid Code [305 ILCS 5/12-10.1]) for the purpose of purchasing social services. This authority is through the appropriation from the Local Initiative Fund, which is the designated account into which the Department receives federal funds and out of which it reimburses up to 75% of costs of services provided under the Donated Funds Initiative.
- c) The Department shall decide if and when to co-fund service programs utilizing locally generated funds for a portion of the service program. This decision will be based upon the ability of the provider to assure the availability of the co-payment share, the eligibility of the services to be provided, past experience with the provider in the provision of services, record keeping and general contractual compliance, availability of State and federal ~~Federal~~ funds, the need for the service in the geographic area as evidenced by research available to the Department concerning the need for services, the recommendations of sponsoring allied ~~agencies~~ and the best interests of the client population. The Department reserves the right to unconditionally refuse to contract with any provider. ~~Opportunities will be made available to allied agencies to solicit proposals from service providers under the donated funds initiative, through issuance of a Request for Proposal at such times as funds are available due to increases in an agency's allocation or the withdrawal of an existing provider. But in all cases the conditions for co-funding must be approved by the Department.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.120 Program Administration

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- a) The Local Initiative Fund is administered by the Department through contracts ~~with public with allied agencies, local governmental units~~ and private non-profit agencies ~~that which~~ provide social services to people who are elderly, people with developmental disabilities, neglected children and adults, people with physical disabilities, offenders and ex-offenders, victims of domestic violence and other low-income individuals. ~~Aid to Families with Dependent Children (AFDC) recipients and other low income individuals.~~
- b) ~~Public Allied agencies, local governmental units~~ and private non-profit service providers are subject to the supervision of the Department for the management of ~~the Local Initiative Fund and~~ Donated Funds Initiative ~~program programs.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.130 Request ~~for~~ Proposal

~~If funds are made available, the Department will prepare a Request for Proposal, in accordance with Central Management Services Standard Procurement rules (44 Ill. Adm. Code 1). The Request for Proposal will contain information that describes the Donated Funds Initiative including the 25% (10% for family planning services) match requirement, the services to be provided, the target population, the activities that may be expected of the service provider and the Department and the evaluation criteria.~~

- a) ~~Allied agencies which are making a portion of their Donated Funds Initiative allocation available for new providers or programs must prepare Request For Proposal in accordance with Central Management Services' Standard Procurement Rules (Sections 1.0 through 23.70).~~
- b) ~~The Request For Proposal must contain information which describes the Title XX Donated Funds Initiative, the services the allied agency is seeking to provide, the target population and the activities which may be expected of both the allied agency and the provider.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.140 Sponsoring ~~Allied~~ Agency Responsibilities

Each sponsoring allied agency must:

- a) ~~Design and implement procedures which assure an open and fair process for awarding available monies (i.e. the process must be a public process available to all service providers and at least advertised in the State recognized newspaper, and be in accordance with the Illinois Purchasing Act [30 ILCS 505];~~
- b) ~~Design procedures to assure timely communication of all policies, procedures and~~

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- ~~guidelines to all applicants (i.e. normally at least 30 days written notice, provider workshops or other direct technical assistance);~~
- ~~ae)~~ Provide reasonable and necessary technical assistance to applicants (i.e., clarifications and instructions on completing materials);
- ~~bd)~~ Advise ~~Inform~~ the Office for Social Services of the Department of Human Services, prior to issuing the Request For Proposal of programmatic changes in programs or targeted client populations that ~~which~~ may require revisions in the Report on Projected Expenditures for the report describing the intended use of Title XX Social Services Service-Block Grant; and Funds;
- ~~e)~~ ~~Provide to the Office for Social Services, upon request, information regarding the current status of the agency's local initiative fund activities;~~
- ~~cf)~~ Assure that each service provider receives instructions and all necessary forms to document and report service provision and financial information and, where applicable, determine eligibility; ~~and~~
- ~~g)~~ ~~Develop management controls to assure equity in the distribution of funds across allied agency service and geographic areas.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.150 Funding Mechanism

~~Public Local public~~ or private not-for-profit agencies providing services funded through the Local Initiative Fund are required to provide cash and in-kind contributions for 25% of the cost of the program being funded ~~through the purchase of service contract~~ (10% in the case of family planning Family Planning services). No more than 15% (4% in the case of family planning services) of the total cost of the program may be represented by in-kind contributions. The other 75% (90% in the case of family planning Family Planning services) is made available from federal funds provided through the Title XX Social Services Block Grant.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.152 Sources of Local Funds

- a) Local funds constitute the 25% (10% for family planning services) share of expenditures when the funds are provided for in either of two ways:
- 1) Transferred Funds or In-kind Contributions – Contributing non-federal agencies or individuals make cash transfers of funds directly to the service provider for subsequent expenditure on services or qualifying non-cash contributions. These funds/contributions must be placed in ~~a separate~~ accounts-account, or otherwise separately identified along with the State's

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- share of the funds identified in the Donated Funds Initiative agreement ~~donated funds initiative contract~~.
- 2) Certification of Expended Funds – Public agencies may certify that their expenditures were for Title XX eligible services to eligible individuals.
- b) In subsection (a)(1), the funds/contributions are donated by or to the provider and are under the provider's administrative control prior to billing the Department. The value of third-party, in-kind goods and services must be verifiable in the service provider's records and directly benefit, and be specifically identifiable to, the project or program. In subsection (a)(2), no transfer takes place; rather, the contributing public agency retains the administrative control and certifies to the State that 100% of the costs reported to the Department of its program were incurred for Title XX eligible services. In turn, the State reimburses the agency for 75% (90% for family planning services) of the service services-costs.
- c) Local public agencies whose co-payment share (or certified expenditures) are derived from sources in addition to their own tax generated monies must segregate private sources from public sources of funds, and all funds must be unencumbered at the time of utilization in the program and meet all federal ~~Federal~~ and State restrictions. Otherwise, funds from private vendors must be regarded as private funds and are not subject to certification.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.154 Sources of Locally Generated Funds and In-kind Contributions Used to Match Title XX Funds

- a) In-kind contributions ~~Donations~~ or co-payment funds from private or public sources may not be derived from ~~consist of~~ restricted federal ~~Federal~~ or State funds, nor may they the donations or co-payment funds be used as the match for other federal ~~Federal~~ or State programs.
- b) Funds derived from this program may not be used as match to gain additional federal ~~Federal~~ or State funds except as provided by law.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.160 Reimbursement Process – Donations (Transferred Funds or Co-Payments)

- a) Contributing public or private agencies make cash transfers or establish special accounts or ledgers equal to 25% (10% for family planning services) of their contract.
- b) No payment will be made to a provider without documentation that 25% (10% for

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family planning services) of the vouchered amount (local match) has been received by the provider and is in a separate account or separately identified in the provider's books. The service provider will then be reimbursed by the State for 75% (90% for family planning services) of the eligible amount. All agreements and requirements for the reimbursement process are contained in the Community Services Agreement.

- c) In the event costs are determined inappropriate for claiming:
- 1) The State will assume financial responsibility for the 75% (90% for family planning services) share when the Department has determined through audit procedures that the reason for the deferral, disallowance or costs that are determined inappropriate for claiming is not directly related to a violation of the Community Services Agreement Purchase of Service Contract by the service provider.
 - 2) The service provider must assume full financial responsibility if a violation of the agreement contract requirements by the service provider has occurred, as determined by the Secretary of the Department.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 130.161 Advance Disbursement System (Repealed)

~~Allied agencies may elect to utilize the Advance Disbursement System to stabilize providers cash flow situation by extending funding to providers based on anticipated contractual expenditures.~~

- ~~a) Allied agencies which elect to participate in the Advance Disbursement System must do so prior to the beginning of each fiscal year and the decision may not be rescinded during the course of the fiscal year.~~
- ~~b) The allied agency's decision to participate in the Advance Disbursement System must be applicable to all providers funded through the agency.~~
- ~~c) The provider must submit a completed Illinois Department of Human Services Donated Fund Initiative Fiscal Summary Report/Invoice Voucher (DHS 1943) at the beginning of the contract period to initiate advance disbursement.~~
- ~~d) Following initial submission of DPA 1943 the provider must submit a new DPA 1943 monthly with a Illinois Department of Human Services, Donated Funds Initiative. Providers Detailed Statement of Cases, Invoice Voucher Back Up (DHS 1946).~~
- ~~e) Reconciliation of overpayments which may occur through the Advance Disbursement System will be made at the conclusion of the contract period.~~

(Source: Repealed at 26 Ill. Reg. _____, effective _____)

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Section 130.162 Reimbursement Process (Certification of Expended Funds)

- a) Public agencies may certify that they made expenditures for Title XX eligible services to eligible clients. Certification of expenditures involves no cash transfer. The certifying agency provides the 25% (10% for family planning services) match by providing for 100% of the costs and is then reimbursed by the State for 75% (90% for family planning services) of the eligible expenditures. All agreements and requirements for the reimbursement this process are contained in the Community Services Agreement Purchase of Service Contract.
- b) Financial liability resulting from a deferral or disallowance or a determination that costs are not eligible for reimbursement must be borne solely by the certifying public agency.

Section 130.170 Assignment of Budget Costs (Repealed)

~~Service providers shall develop project costs and allocate them to program budget as line items. Costs included in any budget must:~~

- ~~a) Be necessary to and reasonable for proper and efficient program operation (based on comparison and statistical relationship to similar programs);~~
- ~~b) Be in accordance with State and/or Federal law and regulations applicable to this program (Title XX legislation and regulation (42 USC 1397 et seq. and 45 CFR 96) and the Illinois Purchasing Act (Ill. Rev. Stat. 1983, ch. 127, par. 132.1 et seq.));~~
- ~~c) Be related to the provision of Title XX services rendered to a Title XX eligible client; and~~
- ~~d) Conform to generally accepted accounting principles as promulgated by the American Institute of Certified Public Accounts.~~

(Source: Repealed at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Registered Firms
- 2) Code Citation: 50 Ill. Adm. Code 3115
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3115.10	Amendment
3115.30	Amendment
3115.40	Amendment
- 4) Statutory Authority: Implementing Sections 500-10, 500-30 and 500-70 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/500-10, 500-30, 500-70 and 401].
- 5) A Complete Description of the Subjects and Issues Involved: These changes to the subchapter title and the rule are needed to update all statutory references and terminology affected by the enactment of Public Act 92-0386. The changes include replacing the term “registered firm” with “business entity.”
- 6) Will these proposed amendments replace an emergency rule currently in effect?
No
- 7) Do these amendments contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

James C. Rundblom or
Staff Attorney
Department of Insurance
320 West Washington

Susan Anders
Paralegal
Department of Insurance
320 West Washington

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Springfield, Illinois 62767-0001
(217)785-8559

Springfield, Illinois 62767-0001
(217)785-8220

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance:
None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Department did not anticipate the need to make these changes within the past 12 months.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE
REPRESENTATIVES AND BUSINESS ENTITIES REGISTERED FIRMS

PART 3115

BUSINESS ENTITIES REGISTERED FIRMS

Section

- 3115.10 Authority
3115.20 Violators of Section 502 of the Illinois Insurance Code (Repealed)
3115.30 Purpose and Scope
3115.40 Responsibility for Business Entities Registered Firms

AUTHORITY: Implementing Sections 500-10, 500-30 and 500-70 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/500-10, 500-30, 500-70, and 401].

SOURCE: Filed March 3, 1972; effective April 1, 1972; codified at 7 Ill. Reg. 3482; amended at 9 Ill. Reg. 7142, effective May 2, 1985; amended at 26 Ill. Reg. _____, effective _____.

Section 3115.10 Authority

This Part is promulgated by the Director of Insurance under Section 401 of the Illinois Insurance Code which empowers the Director "...to make reasonable rules and regulations as may be necessary for making effective..." the insurance laws of this State. ~~It is the purpose of this Part to implement Article XXXI of the Illinois Insurance Code with special emphasis placed on Sections 499.1 and 505.1. Failure to adhere to the standards herein set forth shall subject the offender, in addition to any other penalties or remedies provided by law, to proceedings under Article XXXI of the Illinois Insurance Code.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 3115.30 Purpose and Scope

- a) The purpose of this Part is:
- 1) To implement Sections 500-10, 500-30 and 500-70 of Article XXXI of the Illinois Insurance Code [215 ILCS 5/500-10, 500-30 and 500-70]. Failure to adhere to the standards set forth in this Part shall subject the offender, in addition to any other penalties or remedies provided by law, to

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proceedings under Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXXI]; and

- 2) To ~~to~~ place responsibility for the actions of a business entity registered firm upon one or more licensed authorized members of the business entity firm.
- b) This Part applies to all persons, resident and non-resident, who are licensed insurance producers under the Illinois Insurance Code and who are officers, directors, members or partners in a business entity registered firm as defined in Section 500-10 491.1 of the Illinois Insurance Code [215 ILCS 5/500-10] (Ill. Rev. Stat. 1983, ch. 73, par. 1065.38-1).
- c) An "authorized member" is a licensed insurance producer who is an officer, director, member or partner of the business entity registered firm and who solicits insurance business on behalf of the business entity firms.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 3115.40 Responsibility for Business Entities Registered Firms

- a) Each business entity registered firm at the time of application registering shall appoint at least one individual, licensed as an insurance producer and who is an officer, director, member or partner of the business entity registered firm, to be responsible for the compliance of the business entity registered firm with the Illinois Insurance Code and 50 Ill. Adm. Code.
- b) The business entity registered firm shall be responsible for the actions of its officers, directors, members or partners.
- c) If the business entity registered firm or its officers, directors, members or partners acting in behalf of the business entity registered firm commits an act or acts which could cause an insurance producer to be subject to the provisions of Section 500-70 505.1 of the Illinois Insurance Code [215 ILCS 5/500-70] (Ill. Rev. Stat. 1983, ch. 73, par. 1065.52-1), then any officer, director, member or partner engaged in such acts shall be subject to the terms set forth in Section 500-70 505.1.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
160.15	Amendment
160.45	Amendment
160.60	Amendment
160.61	Amendment
160.65	Amendment
160.70	Amendment
160.80	Repeal
160.88	Amendment
- 4) Statutory Authority: Public Act 92-374, Public Act 92-463, Public Act 90-790 and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being proposed to the Department's administrative rules on child support enforcement (CSE) that will affect a number of program areas.

The revisions to Section 160.15 change the IV-D Non-TANF application fee for CSE to \$.01, to be paid out of State funds. These changes are permissible under federal regulations which require a flat fee of up to \$25 or a sliding scale fee based on income, capped at \$25. Federal regulations also allow the State to pay the fees. The Department is electing to reduce the application fee amount and assume responsibility for payment to improve customer service by eliminating the time delay involved in receiving and processing the client's fee before action is taken to begin case handling.

Section 160.45 is being amended to add technical language to suspend CSE activities relating to establishing paternity and support until a final administrative decision has been made regarding a claim of good cause not to pursue CSE activities.

In Section 160.60, the following proposed amendments are being made:

to add provisions for restricted delivery to the methods of being served a notice;

in accordance with the requirements of PA 92-0374, to add changes requiring that each administrative support order entered by the Department on or after January

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NOTICE OF PROPOSED AMENDMENTS

1, 2002, contain a statement that unpaid support accrues interest at the rate of nine percent beginning 30 days after the support payment was due; and

to strike out-dated text in subsection (d)(7)(C) which refers to an earlier, now obsolete, administrative registration process under which the Department entered its own administrative support order with the same terms as another state's order registered for enforcement. Under legislation contained in PA 92-0463, the Department, as a tribunal under the Uniform Interstate Family Support Act, may administratively register another state's support order for enforcement. The process for registration of another state's support order for enforcement under the Uniform Interstate Family Support Act does not provide for entry of a separate support order by the registering state's tribunal.

Section 160.61 is being amended to provide clarifications on the current process under the law for voluntary acknowledgment of paternity and to strike technical language related to the administrative paternity process. The proposed changes also strike text in subsection (c)(3) to reflect changes in Section 10-17.7 of the Illinois Public Aid Code [305 ILCS 5/10-27.7] under PA 90-790.

Section 160.65 is being amended in response to PA 90-18, which removed the Department's requirement for attempting to obtain employment information from the child support obligor before seeking the information from his or her employer. The proposed amendments align the rule with changes in the law under Section 10-3.1 of the Illinois Public Aid Code [305 ILCS 5/10-3.1].

Section 160.70 is being revised to clarify the Department's authority and responsibility to provide Notices of Lien or Levy. The federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (October 1, 1996), required state IV-D agencies to automatically identify, initiate and monitor enforcement of child support orders using liens. The proposed changes add clarifications that the Department shall send Notice of Lien or Levy to the owner of the personal property upon which a lien will be served and to any person or entity indebted to or holding personal property of the responsible relative, or that may be liable for payment of money in connection with a claim or cause of action. This clarification specifies that the Department may serve a lien against personal property other than accounts in financial institutions including upon others who may hold the personal property of the non-custodial parent, or upon a person or entity that may be liable for payment of money to the non-custodial parent resulting from the proceeds or an award from a lawsuit. Section 160.70 is also being revised to add a definition of "qualified child" relative to enforcement of support orders.

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Section 160.80 is being proposed for repeal to reflect the repeal of 305 ILCS 5/10-21.

In accordance with legislative changes under PA 92-0463, the proposed changes at Section 160.88 relate to the Department's State Case Registry, IV-D cases and non-IV-D cases. The amendments clarify what information each party to a child support order must provide for inclusion in the State Case Registry. The amendments also specify that the information filed by the parties for inclusion in the State Case Registry is not a public record and must be treated as confidential and subject to disclosure only in accordance with Illinois law regarding the State Case Registry and Title IV-D of the Social Security Act. Finally, the changes address a problem with the current rule text that led to State Auditor findings that the State Case Registry failed to contain all case information specified by law.

The proposed amendments are not expected to result in any budgetary changes for the Department.

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

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
160.60	Amendment	26 Ill. Reg. 10267; 7/12/02
160.65	Amendment	26 Ill. Reg. 10267;7/12/02
160.75	Amendment	26 Ill. Reg. 10267;7/12/02

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid

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201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
217/524-0081

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

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2002

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONSPART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

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

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

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

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

- 160.70 Enforcement of Support Orders

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

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section

- 160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section

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

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section

- 160.140 Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

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

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

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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Section 160.15 Application ~~Processing~~ Fee for IV-D Non-TANF Cases

In IV-D non-TANF cases where an application for child support services is required, the Department shall charge an application fee of one cent for each applicant and pay the fee out of State funds.

- a) ~~For the purposes of this Section, the following definitions apply:~~
- 1) ~~"Family unit" means all persons living in a household who are related by blood or marriage.~~
 - 2) ~~"Poverty line" means the non farm income official poverty line applicable to Illinois, as determined by the federal Office of Management and Budget and revised annually in accordance with 42 U.S.C. 9902.~~
 - 3) ~~"Gross monthly income" means the total of all monthly income from all sources, excluding child support and maintenance.~~
- b) ~~Commencing with the effective date of this Section, in IV-D non-TANF cases where an application for child support services is required, the Department shall charge the applicant an application processing fee as follows:~~
- 1) ~~\$25 where the gross monthly income of the applicant's family unit is at least 133 percent of the poverty line applicable to families of the same size; or~~
 - 2) ~~\$15 where the gross monthly income of the applicant's family unit is at least equal to the assistance standard but less than 133 percent of the poverty line applicable to families of the same size; or~~
 - 3) ~~One cent where the gross monthly income of the applicant's family unit is less than the assistance standard applicable to families of the same size, except that the one cent fee shall be paid by the Department out of State funds.~~
- c) ~~The application processing fee shall be non-refundable and shall be paid prior to the commencement of child support enforcement services.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section 160.45 Suspension of Child Support Enforcement Upon a Claim Finding of Good Cause

- a) Upon receiving notice from the local office that an applicant or recipient has claimed good cause, the Division of Child Support Enforcement will suspend all activities to establish paternity or secure child support until notified by the local

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office of a final administrative decision regarding the claim of the applicant or recipient determination by the local office.

- b) The Division of Child Support Enforcement shall not undertake to establish paternity or secure child support in any case for which it has received notice that there has been a finding of good cause pursuant to Section 160.35(c).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section 160.60 Establishment of Support Obligations

- a) Definitions
- 1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.
 - 2) "Service" or "Served" means notice given by personal service, certified mail, restricted delivery, return receipt requested, or by any method provided by law for service of summons. (See Sections 2-203 and 2-206 of the Code of Civil Procedure Practice Law [735 ILCS 5/2-203 and 2-206].)
 - 3) "Support Statutes" means the following:
 - A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X];
 - B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
 - C) The Non-Support Punishment Act [750 ILCS 16];
 - D) The Uniform Interstate Family Support Act [750 ILCS 22];
 - E) The Illinois Parentage Act of 1984 [750 ILCS 45]; and
 - F) Any other statute in another state which provides for child support.
 - 4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered.
 - 5) "Child's needs" means the cost of raising a child as detailed by either:
 - A) the custodial parent's statement of the associated costs, including, but not limited to, providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care; or
 - B) the Department's standard for the costs of raising a child taking into account average actual costs of providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care in a manner consistent with health and well being as set forth

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in this Part.

- b) Responsible Relative Contact
- 1) Timing and Purpose of Contact
 - A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
 - B) The purpose of contact and interview shall be to obtain relevant facts, including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.
 - 2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
 - C) that the responsible relative has a legal obligation to support the named persons;
 - D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
 - E) that the responsible relative should bring specified information regarding his income and resources to the interview.
 - 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.
- c) Determination of Financial Ability
- 1) In cases handled under subsection (d) of this Section, the Family Support Specialist shall determine the amount of child support and enter an administrative support order on the following basis:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%

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6 or more	50%
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- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(1)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders which contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- 2) In de novo hearings provided for in subsection (d)(5)(G) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine the minimum amount of child support as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

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- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(2)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- C) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- i) the financial resources and needs of the child;
 - ii) the financial resources and needs of the custodial parent;
 - iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - iv) the physical and emotional condition of the child, and his educational needs; and
 - v) the financial resources and needs of the non-custodial

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parent.

- D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.
- 3) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the amount of child support due in accord with Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].
- 4) All orders for support shall include a provision for the health care coverage of the child. In all cases where health/hospitalization insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter support, orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health/hospitalization insurance coverage is being provided. However, in Title IV-D non-TANF cases where the client is neither an applicant for nor a recipient of Medical Assistance, the Department shall enter or request such support orders only with the client's consent. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.
- 5) When proceeding under subsection (d) of this Section, the Department shall, in any event, notwithstanding other provisions of this subsection (c) and regardless of the amount of the responsible relative's net income, order the responsible relative to pay child support of at least \$10.00 per month.
- 6) In cases where the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's needs as defined by subsection (a)(5)(A) or (B) of this Section.
- 7) The final order in all cases shall state the support level in dollar amounts.
- 8) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or, when proceeding under subsection (e) of this Section, shall request the court to order, the relative to report for participation in job search, training or work programs established for such relatives. In TANF

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cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section, shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].

- 9) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:
 - A) of any new address of the responsible relative;
 - B) of the name and address of any new employer or source of income of the responsible relative;
 - C) of any change in the responsible relative's Social Security Number;
 - D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
 - E) if so, the policy name and number and the names of persons covered under the policy.
- 10) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.
- 11) The Department shall enter administrative support orders, or request the court to enter support orders, that include provisions for retroactive support when appropriate.
 - A) In cases handled under subsection (d) of this Section, the Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties' separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock).
 - B) In de novo hearings provided for in subsection (d)(5)(G) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with the later of two years prior

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to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases where the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.

- C) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X], Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14].

d) Administrative Process

1) Use of Administrative Process

- A) Unless otherwise directed by the Department, the FSS shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:
- i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;
 - ii) alleged paternity and support is sought from the mother;
 - iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;
 - iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and
 - v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.

- B) In addition to those items specified in subsection (b)(2) of this Section, the notice of support obligation shall inform the responsible relative of the following:

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- i) that the responsible relative may be required to pay retroactive support as well as current support; and
 - ii) that in its initial determination of child support under subsection (c) of this Section, the Department will only consider factors listed in subsections (c)(1)(A)(i) through ~~(e)(1)(A)(x)~~ of this Section; and
 - iii) that the Department will enter an administrative support order based only on those factors listed in subsections (c)(1)(A)(i) through ~~(e)(1)(A)(x)~~ of this Section; and
 - iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
 - v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order, at which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]; and
 - vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will become a final enforceable order of the Department; and
 - vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.
- 2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the

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resulting support amount therein. The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section.

- 3) Failure to Appear
- A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought, as defined by subsection (a)(5) of this Section. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.
 - B) The FSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
 - i) financial ability, as determined from the guidelines contained in subsection (c) of this Section, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or
 - ii) income exceeds that reported by the relative.
 - C) The FSS will not issue a subpoena under subsection (d)(3)(B) of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.
 - D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section, the FSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then, after investigation and determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment

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Security), client statements, employer statements, or the use of the Department's subpoena powers, enter a support order in accord with subsection (c)(1) of this Section.

- 4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22].
- 5) An administrative support order shall include the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is ordered;
 - C) the beginning date, amount and frequency of support;
 - D) the total retroactive support obligation and the beginning date, amount (which shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;
 - E) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (which shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;
 - F) a provision requiring that support payments be made to the State Disbursement Unit;
 - G) a statement informing the client and the responsible relative that they have 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2) of this Section, except that for orders entered as a result of a decision after a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accord with provisions of the Administrative Review Law [735 ILCS 5/Art. III]; **and**
 - H) except where the order was entered as a result of a decision after a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) of this Section and that in order to have the Department consider other factors listed in subsection (c)(2)(C) of this Section. Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS

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5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and-

D) in each administrative support order entered or modified on or after January 1, 2002, a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of nine percent per annum.

- 6) Every administrative support order entered on or after July 1, 1997, shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The Department shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same manner as prescribed in Section 160.75.
- 7) The Department shall provide to each client and each responsible relative a copy of each administrative support order entered, no later than 14 days after entry of such order, by:
 - A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgment of receipt signed by the client or relative or an affidavit of delivery signed by the Department's representative shall be sufficient for purposes of notice to that person.
 - B) regular mail to the party not receiving personal delivery where the relative fails or refuses to accept delivery, where either party does not attend the interview, or the orders are entered by default.
 - ~~C) service in the case of registration of the support orders of another state. A copy of such state's orders shall be served with those of the Department.~~
- 8) In any case where the administrative support process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the administrative support case shall remain in the original county unless a transfer to the other county in which the custodial parent and the non-marital child reside is requested by either party or the Department and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative support process.
- 9) In any case in which an administrative support order is entered to establish and enforce an arrearage only, and the responsible relative's current support obligation has been terminated, the administrative support order

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shall require the responsible relative to pay a periodic amount equal to the terminated current support amount until the arrearage is paid in full.

- e) Judicial Process
- 1) The Department shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3) of this Section) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), ~~when in those wherein~~ the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D) of this Section, and as otherwise determined by the Department.
 - 2) The Department shall prepare and transmit pleadings and obtain or affix appropriate signature thereto, which pleadings shall include, but not be limited to, petitions to:
 - A) intervene;
 - B) modify;
 - C) change payment path;
 - D) establish an order for support;
 - E) establish retroactive support;
 - F) establish past-due support;
 - G) establish parentage;
 - H) obtain a rule to show cause;
 - I) enforce judicial and administrative support orders; and
 - J) combinations of the above.
 - 3) Department legal representatives shall request that judicial orders for support require payments to be made to the State Disbursement Unit in accordance with Section 10-10.4 of the Illinois Public Aid Code [305 ILCS 5/10-10.4], Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/507.1], Section 320 of the Uniform Interstate Family Support Act [750 ILCS 22/320], Section 21.1 of the Illinois Parentage Act of 1984 [750 ILCS 45/21.1] and Section 25 of the Non-Support Punishment Act [750 ILCS 16/25].

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 160.61 Uncontested and Contested Administrative Paternity and Support Establishment

- a) Definitions
- 1) "Combined paternity index" means a statistic, stated as an odds ratio in a

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report of genetic testing results, giving the likelihood that the man having undergone the testing is the father of the child relative to the chance that the father is another (unrelated random) man from the same racial background.

- 2) "Genetic testing" means deoxyribonucleic acid (DNA) tests.
 - 3) "Service" or "Served" means notice given by personal service, certified mail, restricted delivery, return receipt requested, or by any method provided by law for service of a summons. (See Sections 2-203 and 2-206 of the Code of Civil Procedure Practice Law [735 ILCS 5/2-203 and 2-206].)
 - 4) "Non-marital child", as used in this Section and Section 160.62, means a child born out of wedlock for whom paternity has not been established.
 - 5) "Alleged father", as used in this Section and Section 160.62, means a man alleged to be the father of a non-marital child.
 - 6) "Presumed father" shall have the meaning ascribed to that term in the Illinois Parentage Act of 1984 [750 ILCS 45].
- b) Uncontested Administrative Paternity Process
- 1) Except as otherwise determined, the Department shall establish a man's paternity of a child through the administrative process set forth in this Section, in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:
 - A) a non-marital child and support is sought from the alleged father;
 - B) a non-marital child who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
 - C) presumed paternity as set forth in Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1) and (2)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers as set forth in this Section.
 - 2) Contact with Responsible Relatives
 - A) Following the IV-D client interview, the Department shall contact and interview:
 - i) alleged fathers to establish paternity and support obligations; and
 - ii) mothers to establish an alleged father's paternity of a child (where the alleged father or a caretaker relative other than the mother has physical custody of the child) and to establish the support obligation of the alleged father, the

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mother, or both.

- B) The purpose of contact and interview shall be to obtain relevant facts, including information concerning the child's paternity and responsible relative income information (for example, paycheck stubs, income tax returns) necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.
- 3) At least ten working days in advance of the interview, the Department shall serve upon or provide to the alleged father from whom child support is sought, by ordinary mail, a notice of alleged paternity and support obligation, which notice shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the alleged father may be represented by counsel;
 - E) that the alleged father should bring specified information regarding his income and resources to the interview;
 - F) that upon failure of the alleged father to appear for the interview, administrative paternity and support orders may be entered against him by default; and
 - G) that the alleged father may be ordered to pay current support and, retroactive support, and to provide health insurance coverage for the child.
- 4) At least ten working days in advance of the interview, the Department shall serve upon or provide to the child's mother, by ordinary mail, a notice of alleged paternity and support obligation, when a man has been alleged to be the father of the child, the alleged father has physical custody of the child, and support is sought from the mother. The notice shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the mother has a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
 - E) that the mother should bring specified information regarding her income and resources to the interview;
 - F) that the mother may be ordered to pay current support and,

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- retroactive support, and to provide health insurance coverage for the child;
- G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
- H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
- i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child.
- 5) At least ten working days in advance of the interview, the Department shall serve upon or provide to the child's mother, by ordinary mail, a notice of alleged paternity and support obligation, when a man has been alleged to be the father of a child, an adult other than a parent of the child has physical custody of the child, and support is sought from the mother and the alleged father. The notice shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the mother has a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
 - E) that the mother should bring specified information regarding her income and resources to the interview;
 - F) that the mother may be ordered to pay current support and, retroactive support, and to provide health insurance coverage for the child;
 - G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
 - H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
 - i) an administrative support order may be entered against the mother by default or the Department may seek an administrative or court determination of financial ability based upon the guidelines; and

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- ii) the Department may enter an order finding the alleged father to be the father of the child on the basis of genetic testing.
- 6) Where the man alleged to be the father of a child is different from a man presumed to be the father under Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1) and (2)], the Department shall send a notice to the presumed father which shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the child's name and birthdate;
 - C) the name of the child's mother;
 - D) that the man to whom the notice is directed has been identified as the child's presumed father;
 - E) that another man has been alleged to be the child's father, and the name of that alleged father;
 - F) that the Department has scheduled an interview with the alleged father for the purpose of determining the child's paternity, and the date, time and place of the interview (the date of the interview shall not be less than ten working days after the date of the notice to the presumed father);
 - G) that if the presumed father fails to appear at the interview to assert his rights as the presumed father, the Department may enter an administrative order finding the alleged father to be the child's father on the basis of genetic testing, or if the alleged father and the child's mother voluntarily sign an acknowledgment that the alleged father is the father of the child; and
 - H) that counsel may accompany the presumed father to the interview.
- 7) The Department shall notify each Title IV-D client of the date, time and place of the alleged father interview and that the client may attend if the client chooses.
- 8) In cases involving a non-marital child:
- A) The Department shall provide the alleged father and the child's mother an opportunity to establish paternity by voluntarily signing an acknowledgment of paternity (and, in a case in which there is also a presumed father, an opportunity for the mother and the presumed father to sign a denial of paternity), after being provided with information concerning the implications of signing the acknowledgment (and denial), including parental rights and responsibilities of child support, retroactive support, health insurance coverage, custody, visitation, the right to obtain and

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agree to be bound by the results of genetic testing, and the right to deny paternity and obtain a contested hearing.

- B) The Department shall enter and, within 14 days after entry, serve or mail the parties a copy of an administrative paternity order finding the alleged father to be the father of the child in the following circumstances. An acknowledgment of receipt signed by the client or relative or an affidavit of delivery signed by the Department's representative shall be sufficient for purposes of notice to that person. The Department shall enter the order where:
- i) the alleged father and the child's mother (and any presumed father) have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 500 to 1;
 - ii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;
 - iii) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;
 - iv) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1;
 - v) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him (or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing) in a case where an adult other than a parent of the child has physical custody of the child;
 - ~~vi) the presumed father fails to appear in response to the Department's notice to presumed father served upon him,~~

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~~and the alleged father and the child's mother have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the legal implications of signing such an acknowledgment;~~

~~vi) vii)~~ the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother, and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1; or

~~vii) viii)~~ the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him, and the presumed father fails to appear in response to the Department's notice to presumed father served upon the presumed father.

- C) The Department shall make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father.
- 9) An agreement to be bound by the results of genetic testing under subsection (b)(8)(B) of this Section shall not be valid where the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the agreement to be bound by the results of genetic testing, except where the mother or alleged father is either emancipated or head of his or her own household with the child for whom paternity is being determined.
- 10) A party aggrieved by entry of an administrative paternity order, pursuant to subsection (b)(8) of this Section, may have the order vacated if, within 30 days ~~of~~ ~~being~~ ~~served~~ with the order, the party appears in person at the office to which he or she was given notice to appear for an interview pursuant to subsection (b)(3) of this Section and files a written request for relief from the order. The Department shall then proceed with the establishment of paternity under this Section. A party may obtain relief under this subsection (b) only once in any proceeding to establish paternity.
- 11) The child's mother or the alleged father may void the presumption of paternity created by voluntarily signing an acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12] by signing a rescission of paternity and filing it with the Department by the earlier of:

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- A) 60 days after the date the acknowledgment of paternity was signed;⁵ or
 - B) the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the mother or the alleged father is a party.
- 12) If the mother or alleged father signs a rescission of paternity, the Department shall process the case under this subsection (b).
- c) Contested Paternity Hearing Officers
- 1) Except as otherwise directed by the Department or provided for in this Part, cases in which paternity is contested shall be referred to Department hearing officers to administratively determine paternity. The Department shall provide the alleged father (and any presumed father) with notice and opportunity to contest paternity at a hearing to determine the existence of the father and child relationship. The notice and any administrative hearing shall be governed by 89 Ill. Adm. Code 104.200 through 104.295. Any administrative support order shall be established in accordance with Section 160.60.
 - 2) Notice shall be given to all parties in the manner provided for service of a notice of alleged paternity and support obligation under subsections (a) and (b) of this Section or, where necessary, by publication in cases in which the whereabouts of a party or parties are unknown after diligent location efforts by the Department. Where service is by publication, the notice shall be published at least once in each week for three consecutive weeks in a newspaper published in the county in which the administrative proceeding is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining Illinois county having a circulation in the county in which the administrative proceeding is pending. In addition, where service is by publication, the date of the interview stated in the notice shall not be less than 30 days after first publication of the notice.
 - 3) The Department shall enter default paternity determinations in contested administrative cases as provided for under subsection (b) of this Section. However, where notice of the administrative proceedings was served on a party by publication under subsection (c)(~~2~~)(~~6~~) of this Section, a notice of default paternity determination shall be published in the same manner. The notice of default paternity determination shall contain the information required in an administrative paternity order under subsections subsection (d)(1) through (9) of this Section, except that ~~where notice was served by publication~~ the notice of default paternity determination shall not include the mother's and father's Social Security numbers, ~~and shall include a~~

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~~statement of the following in lieu of a statement that the order is a final and binding administrative decision:~~

~~A) that the man determined to be the child's father may bring a petition in the circuit court for relief from the administrative paternity determination on the same grounds provided for relief from judicial judgments under Section 2-1401 of the Code of Civil Procedure [735 ILCS 5/2-1401];~~

~~B) that such a petition must be filed no later than two years after the notice of default paternity determination was published; and~~

~~C) that allegations made in such a petition without reasonable cause that are found to be untrue by the circuit court may subject the petitioner or his attorney, or both, to the payment of reasonable costs and attorney's fees incurred by the Department in defending against the petition.~~

4) The Department shall not proceed to establish paternity administratively under subsection (c) of this Section in those cases wherein the court has acquired jurisdiction previously or the custodial parent claims good cause for failing to cooperate in the establishment of paternity and is found to be exempt from cooperating as set forth in Section 160.35.

4)5) In any case where the administrative paternity process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the paternity determination case shall remain in the original county of venue unless a transfer to another county of proper venue is requested by either party and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative paternity process.

d) An administrative paternity order, whether entered under subsection (b) or ~~subsection~~ (c) of this Section, shall include the following:

- 1) the Title IV-D case name and identification number;
- 2) the name and birthdate ~~birthdate~~ of the child for whom paternity is determined;
- 3) the alleged father's name and his Social Security number, if known;
- 4) the mother's name and her Social Security number, if known;
- 5) a finding that the alleged father is the father of the child, and a statement indicating how paternity was determined (for example, agreement to be bound by the results of genetic testing, default, contested hearing);
- 6) except in cases in which paternity is administratively determined under subsection (b)(8)(B)(ii), ~~(b)(8)(B)(v)~~ or ~~(b)(8)(B)(viii)~~ of this Section, or in a contested hearing under subsection (c) of this Section, a statement

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- informing the client and responsible relative that each has 30 days after ~~from~~ the date of mailing (or delivery at the interview) of the administrative paternity order to petition the Department for release from the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.105;
- 7) in cases in which paternity is administratively determined by default under subsection (b)(8)(B)(ii), ~~(b)(8)(B)(v)~~ or ~~(b)(8)(B)(viii)~~ of this Section, a statement informing the client and responsible relative of the relief available pursuant to subsection (b)(10) of this Section; ~~and~~
- 8) a statement that more than 30 days after entry of an administrative paternity order, a party aggrieved by entry of the administrative paternity order may petition the Department for release from the order under the provisions of subsection (e) of this Section; and
- ~~9)8)~~ in cases in which paternity is administratively determined in a contested hearing under subsection (c) of this Section, a statement informing the responsible relative that the order is a final and binding administrative decision, and whether the order is reviewable only under the provisions of the Administrative Review Law [735 ILCS 5/Art. III].
- e) Petitions For Release – Extraordinary Remedies
- 1) Notwithstanding the statements required by subsection (d) of this Section, more than 30 days after entry of an administrative paternity order under subsection (b) or (c) of this Section, a party aggrieved by entry of an administrative paternity order may petition the Department for release from the order.
- 2) Petitions under this subsection (e) must:
- A) Cite a meritorious defense to entry of the order.
- B) Cite the exercise of due diligence in presenting that defense to the Department.
- C) Be filed no later than two years following the entry of the administrative paternity order, except that times listed below shall be excluded in computing the two years:
- i) time during which the person seeking relief is under legal disability;
- ii) time during which the person seeking relief is under duress; and
- iii) time during which the ground for relief is concealed from the person seeking relief.
- D) Be supported by affidavit or other appropriate showing as to matters not supported by the record.
- 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent by certified mail, return receipt

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requested or by any manner provided by law for service of process. The filing of a petition under this subsection (e) does not affect the validity of the administrative paternity order.

- f) When the paternity of a child has been administratively established under subsection (b) or (c) of this Section, the Department shall enter an administrative support order under the process set forth in Section 160.60.
- g) In cases in which a final administrative determination of paternity is pending, but there is clear and convincing evidence of paternity based upon the results of genetic testing and upon motion of a party, the Department shall enter a temporary order for support in the manner provided for in Section 160.60.
- h) The Department shall notify the Department of Public Health of final administrative paternity determinations, voluntary acknowledgments of paternity, denials of paternity and rescissions of paternity.
- i) In cases in which a child's certificate of birth is on file in a state other than Illinois and any of the circumstances stated below occur, the Department shall forward to the other state a copy of the final administrative determination of paternity or the voluntary acknowledgment of paternity (and the presumed father's denial of paternity, if applicable) or the rescission of paternity:
 - 1) the Department enters a final administrative determination of paternity; or
 - 2) the paternity of a child is established by voluntary acknowledgment under Section 12 of the Vital Records Act [410 ILCS 535/12]; or
 - 3) the alleged father or the child's mother rescinds a voluntary acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12].
- j) Judicial Process. The Department shall refer Title IV-D cases for judicial action to establish a child's paternity and a responsible relative's support obligation pursuant to the Illinois Parentage Act of 1984 [750 ILCS 45], the Revised Uniform Reciprocal Enforcement of Support Act [750 ILCS 20] or the Uniform Interstate Family Support Act [750 ILCS 22], as appropriate, in matters:
 - 1) involving contested paternity, except where the case is appropriate for referral to a Department hearing officer;
 - 2) where the non-marital child was not conceived in Illinois and the alleged father resides in a state other than Illinois;
 - 3) where the court has acquired jurisdiction previously; or
 - 4) where the results of genetic testing show that the alleged father is not excluded and the combined paternity index is less than 500 to 1, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 160.65 Modification of Support Obligations

- a) Definitions
- 1) "Order for support" means any court or administrative order establishing the level of child support due to a child from the responsible relative.
 - 2) "Income Withholding Notice" means the notice served on a payor, pursuant to entry of a court or administrative order for support, that directs the payor to withhold a part of a responsible relative's income for payment of child support.
 - 3) "Assignment of support" has the meaning set forth in Section 160.5.
 - 4) "Assignment of medical support" has the meaning set forth in Section 160.5.
 - 5) "Health insurance" means health insurance or health plan coverage for the dependent child for whom support is sought.
 - 6) "Review" means the FSS comparison of the responsible relative's current financial ability to the existing order for support, as described in subsection (f) **of this Section below**.
 - 7) "Quantitative Standard for Review" means the current financial ability of the responsible relative, as determined through modification review, is at least 20 percent above or below the existing order for support and the change is an amount equal to at least \$10 a month.
- b) Review and Modification of Support Orders
- 1) The Department, beginning October 13, 1993, shall review child support orders in Title IV-D cases at 36 month intervals after establishment, modification or the last review, whichever was the last to occur, unless:
 - A) In a case in which there is an assignment of support or an assignment of medical support, the Department determines, in accordance with subsection (b)(3) **of this Section below**, that a review would not be in the best interests of the child and neither parent has requested a review; or
 - B) In a case in which there is no assignment of support or assignment of medical support, neither parent has requested a review; or
 - C) In a case in which there is an assignment of medical support but no assignment of support, the order for support requires health insurance for the child covered by the order and neither parent has requested a review.
 - 2) Prior to the expiration of the 36 month period:
 - A) The Department, in a case in which there is an assignment of support or an assignment of medical support, shall review the order

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- if:
- i) an order for withholding has been served on the responsible relative's payor, and payments have been received by the Department within the 90 days prior to selection for review; and
 - ii) the order for support does not require the responsible relative to provide health insurance for the child covered by the order; and
 - iii) the Department has not determined that a review would not be in the best interests of the child.
- B) The Department, in a case in which there is no assignment of support or assignment of medical support, shall review orders as set forth in subsection (b)(2)(A) of this Section, but only with the consent of the client.
- C) The Department may review any order for support, unless it has determined that a review would not be in the best interests of the child, whenever a change in financial circumstances of the responsible relative becomes known through representations of the relative or of the client or from independent sources, and such change would materially affect ability to support.
- 3) The Department shall determine that a review of an order for support would not be in the best interests of the child if there has been a finding of good cause, and it has been determined that support enforcement may not proceed without risk of harm to the child or caretaker relative.
- c) Notice of the Right to Request a Review
- 1) In each Title IV-D case, the Department shall provide notice not less than once every three years to each parent subject to an order for support in the case. The notice may be included in the order and shall inform the parent of the right to request a review of the order, where to request a review and the information which must accompany a request.
 - 2) The Department shall use the broadcast or print media at least twice a calendar year to publicize the right to request a review as part of the child support enforcement program, and include notice of this right as part of the information on IV-D services contained in its brochures, pamphlets and other printed materials describing the program.
- d) Notice of Review
- 1) The Department shall notify the client and responsible relative that a review will be conducted at least 30 days before commencement of the review.
 - 2) The notice of review shall:

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- A) Require completion of a form financial affidavit and return of the affidavit to the Department within 15 calendar days after the date the client or relative received the notice; and
 - B) State that if, as a result of the review, action is taken to modify the order for support, the Department will order or request the court to order the responsible relative to provide health insurance. However, in cases where the client is not receiving medical assistance, the notice shall state that health insurance may be ordered or requested only with the client's consent, as provided in Section 160.60(c)(7).
- e) Information Gathering and Employer Contact
- 1) The Department shall capture all available responsible relative financial information from existing federal and State sources (for example, Illinois Department of Employment Security) through electronic data searches on all IV-D cases.
 - 2) ~~The If the responsible relative fails to return a completed financial affidavit within 15 calendar days after the relative receives the notice of review, the~~ Department ~~may shall~~ send a notice to the responsible relative's employer, in accordance with Section 10-3.1 of the Illinois Public Aid Code (~~{305 ILCS 5/10-3.1}~~). The notice shall:
 - A) require the disclosure of responsible relative employment information, including but not limited to:
 - i) the period of employment;
 - ii) the frequency of wage payments;
 - iii) gross wages, net pay and all deductions taken in reaching net pay;
 - iv) the number of dependent exemptions claimed by the responsible relative; and
 - v) health insurance coverage available to the responsible relative through the employer.
 - B) require employer compliance within 15 calendar days after the employer's receipt of the notice.
 - 3) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after receipt of the notice of review, and the relative's employer is unknown, the Department ~~may shall~~ use available means for obtaining the relative's financial information, e.g., service of a subpoena upon the responsible relative.
- f) Review of the Order for Support
- 1) The FSS shall review any financial information concerning the responsible relative. Where the responsible relative's information is not verified

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through an employer, wage stubs or income tax returns, the FSS shall seek other verification, e.g., subpoena of the responsible relative's income tax return.

- 2) The FSS shall determine the responsible relative's current financial ability in accordance with the guidelines contained in Section 160.60(c).
- 3) The FSS shall compare the responsible relative's current financial ability to the amount of the existing order for support and determine if the Quantitative Standard for Review has been met.
- 4) The FSS shall determine if health insurance is being provided for the child under the order for support or whether the child's health care needs are being met through other means. In no event shall the FSS consider a child's eligibility for, or receipt of, medical assistance to meet the need to provide for the child's health care needs.

g) Notice of Review Results

The Department shall inform the client and responsible relative of the results of the review and provide a copy of the FSS calculation comparing the responsible relative's current financial ability to the amount of the existing order within 14 days after the review results are determined. The client and responsible relative will be advised whether or not the Department will take action to modify the existing order for support and of the right to contest the determination.

- 1) When the review indicates the Quantitative Standard for Review has not been met, the client and responsible relative, in both judicial and administrative cases, are advised as follows:
 - A) The Department will not take action to modify the order for support.
 - B) The Department will only take action to modify the order to require health insurance for the child covered by the order.
 - C) Either parent may request a redetermination within 30 calendar days after the date of the notice by:
 - i) signing and returning the request for a redetermination to the Department; and
 - ii) providing financial documentation or information concerning the child's health care needs not furnished previously, which will substantiate the request.
- 2) When the review indicates the Quantitative Standard for Review has been met, the client and responsible relative will be advised that:
 - A) The Department will take action to modify the existing order for support in accordance with the review results.
 - B) In cases involving the judicial process, each parent will be informed 30 calendar days in advance of the hearing date and will

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- have the opportunity to contest the review results at that time.
- C) In cases where an administrative order for support is entered in accordance with subsection (h) ~~of this Section~~below:
- i) The client and responsible relative will be advised that he or she has until 30 calendar days after the date of mailing of the administrative order for support in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102. The client will be further advised that he or she may provide financial documentation or information concerning the child's health care needs not furnished previously that will substantiate the requested relief.
 - ii) Where both the client and the responsible relative request a hearing, the two requests shall be merged and shall be disposed of simultaneously by the hearing proceeding. The parties shall be advised of the right to present evidence at the hearing, including the client's right to provide financial documentation or information concerning the child's health care needs not furnished previously that will substantiate the requested relief.
 - iii) Where the responsible relative requests a hearing and the client does not, the client shall again be advised of the right to present evidence at the hearing.
 - iv) Where the client requests a hearing and the responsible relative does not, the responsible relative shall again be advised of the right to present evidence at the hearing.
- 3) For purposes of calculating the 30 calendar day period in which to petition the Department for release from or modification of the administrative order for support or to request redetermination of the review results, the day immediately subsequent to the mailing of the order or determination shall be considered the first day and the day such request is received by the Department shall be considered as the last day.
- h) Further Actions Taken by the Department
- 1) The Department shall take the following action when the FSS has determined in accordance with subsection (f) ~~of this Section above~~ that the Quantitative Standard for Review has been met or when the Quantitative Standard for Review has not been met, but there is a determination that the order for support needs to be modified to require provision of health insurance:
 - A) In a case involving an order for support entered by the court, the

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FSS shall:

- i) prepare a petition to modify, and obtain or affix appropriate signature thereto;
 - ii) refer the case for legal action to modify the order for support pursuant to Section 510 of the Illinois Marriage and Dissolution of Marriage Act (~~750 ILCS 5/510~~); and
 - iii) provide the client and responsible relative with the notice described in subsection (g)(2)(B) of this Section~~above~~.
- B) In a case involving an administrative order for support established under Section 160.60(d), or modified under this Section~~rule~~, the FSS shall enter an administrative order for support incorporating the results of the review and containing the information specified in Section 160.60(d)(5). Any order for health insurance shall be entered in accordance with Section 160.60(c)(7).
- i) The FSS shall effect income withholding in accordance with Section 160.60(d)(6).
 - ii) The FSS shall provide to the client and responsible relative copies of the administrative order for support together with the notice described in subsection (g)(2)(C) of this Section~~above~~.
- 2) In IV-D cases where the client is neither an applicant for nor a recipient of medical assistance, the Department, with the client's consent, shall enter or request the court to enter an order for support requiring the responsible relative to provide health insurance.
- 3) Upon receipt of a petition for a release from, or modification of, an administrative order for support as described in subsection (g)(2)(C)(ii) of this Section within 30 calendar days after the date of mailing of such order, the Department will provide a hearing in accordance with 89 Ill. Adm. Code 104.102. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) of this Section~~above~~.
- 4) Upon receipt of a request for a redetermination as set forth in subsections (g)(1)(C) and ~~(g)(2)(C)(i)~~ within 30 calendar days after the date of mailing of the notice, the Department shall conduct such redetermination. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) of this Section~~above~~.
- i) Timeframes for Review and Modification
- 1) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine within 15 calendar days after ~~of~~ October 13, 1993, or the date the order is 36 months old, whichever is later, whether a review should be conducted as provided in

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- subsection (b)(1) of this Section above.
- 2) Subsequent determinations about whether to review an order for support in a case in which there is an assignment of support or an assignment of medical support shall be made by the Department in accordance with subsection (b)(1) of this Section above, at 36 month intervals based upon:
- A) the date the order for support was modified; or
 - B) the date an order was entered determining that the order for support would not be modified; or
 - C) the date the period expired for requesting redetermination of the Department's review decision not to seek modification of the order for support.
- 3) Within 15 calendar days after receipt of a request for a review, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1) of this Section above.
- 4) Within 180 calendar days after determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall:
- A) send the notice of review in accordance with subsection (d) of this Section above;
 - B) conduct a review of the order in accordance with subsection (f) of this Section above;
 - C) send the notice of review results in accordance with subsection (g) of this Section above; and
 - D) conclude any action to modify the order for support.
- j) Interstate Review and Modification
- 1) Initiating Cases
- A) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine, within 15 calendar days ~~after~~ of October 13, 1993, or the date the order for support is 36 months old, whichever date occurs later, whether a review should be conducted, as required under subsection (b)(1) of this Section above, and whether the review should be conducted by the Department or another state.
 - B) Subsequent determinations about whether to conduct a review shall be made in accordance with subsection (b)(1) of this Section above, at 36 month intervals based upon:
 - i) the date the order for support was modified; or
 - ii) the date an order was entered determining that the order for support would not be modified; or
 - iii) the date the period expired for requesting redetermination

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of a review decision not to seek modification of the order for support.

- C) Within 15 calendar days ~~after~~ receipt of a request for a review, the Department shall determine whether a review should be conducted, as required under subsection (b)(1) ~~of this Section~~above, and whether the review should be conducted by the Department or another state.
 - D) Prior to the expiration of the 36 month period, the Department:
 - i) shall review or request another state to review an order for support under the circumstances set forth in subsections (b)(2)(A) and (B) ~~of this Section~~above; and
 - ii) may review or request another state to review an order for support as provided in subsection (b)(2)(C) ~~of this Section~~above.
 - E) The Department shall determine in which state a review should be conducted after considering all relevant factors, including but not limited to:
 - i) the location of existing order(s);
 - ii) the present residence of each party; and
 - iii) whether a particular state has jurisdiction over the parties.
 - F) In any case coming under the provisions of subsections (j)(1)(A), (B) and (C) ~~of this Section~~above, in which the Department has determined to request a review of an order for support in another state, the Department shall:
 - i) send a request for review to that state within 20 calendar days ~~after~~ receipt of sufficient information to conduct the review and provide that state with sufficient information on the requestor of review to act on the request; and
 - ii) send to the parent in Illinois, a copy of any notice issued by the responding state in connection with the review and modification of the order, within five working days ~~after~~ receipt of such notice by the Department.
- 2) Responding Cases
- A) Within 15 calendar days after receipt of a request for a review of an order for support in Illinois as the responding state, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1) ~~of this Section~~above.
 - B) Within 180 calendar days after determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall take the actions specified in subsection (i)(4) ~~of this Section~~above.

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(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

a) Definitions

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

b) Income Withholding

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

c) Federal and State Income Tax Refunds and Other Payments

- 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due such relatives.
- 2) The Department shall submit past-due support amounts to:
 - A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:
 - i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and
 - ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a qualified ~~or for a minor~~ child, or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the

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- parent, and the in-an-amount of past-due support is not less than \$500.
- B) the Comptroller to intercept State income tax refunds and other State payments as follows:
- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less;
 - ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
 - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.
- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount which will be submitted for intercept;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and
 - D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.
- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the

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results of the redetermination and of the right to contest such results by requesting:

- A) a hearing by the Department within 30 days from the date of mailing of the notice; or
 - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days ~~of~~ after the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
- A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
 - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;
 - C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
 - D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
 - B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and

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payments in matters where the intercepted funds have not yet been transferred to the Department.

- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection (c) only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) of this Section above and shall promptly apply:
 - A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and
 - B) other federal and State payments in accord with distribution provisions in Subpart F of this Part.
- 11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:
 - A) amounts intercepted under this subsection (c) will be applied in accordance with Section 160.130;
 - B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
 - 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the

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- child support order is registered of each collection for posting to the court payment record.
- F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation, except as set forth in subsection (e)(2) of this Section below.
- 2) Contempt proceedings shall not be used in the following instances:
- A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.
 - B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
- A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some

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- other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
- E) obtain full or partial payment of past due support through incarceration;
 - F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;
 - H) secure other enforcement relief; and
 - I) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
 - 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- f) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support
 - 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$10,000; and
 - B) the responsible relative has an interest in real estate or personal

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- property against which the judgment may be enforced.
- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).
 - 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$10,000 in excess of any statutory exemption.
- g) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support
- 1) Liens against real estate
 - A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
 - i) the amount of past-due support is at least \$10,000; and
 - ii) the responsible relative has an interest in real estate against which a lien may be claimed.
 - B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:
 - i) the name and address of the responsible relative;
 - ii) a legal description of the real estate to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child support owned by the responsible relative; and
 - v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.
 - C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall

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remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).

- D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than \$10,000 in excess of any statutory exemption.

2) Liens against personal property

- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:
 - i) the amount of past-due support is at least \$1,000;
 - ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
 - iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.
- B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, ~~and either~~ the financial institution in which ~~an the~~ account of the responsible relative is located, ~~or~~ the sheriff of the county in which goods or chattels the personal property of the responsible relative are is located, or any person or entity indebted to or holding personal property of the responsible relative or which may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain inform ~~the responsible relative, joint owner if applicable, and the financial institution or the sheriff~~ of the following:
 - i) the name and address of the responsible relative;
 - ii) a description of the account or personal property to be levied;

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- iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;
 - v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and
 - vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.
- C) In addition to the information to be included in the Notice of Lien or Levy under subsection (g)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:
- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];
 - ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days ~~of~~ after being served with a Notice to Surrender Assets by the Department;
 - iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and
 - iv) include a form, Response to Notice of Lien or Levy, to be

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completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien.

- D) The form for the response to Notice of Lien or Levy provided for under subsection (g)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:
- i) the amount of assets in the responsible relative's account;
 - ii) the amount of the fee to be deducted from the account;
 - iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
 - iv) the name and address of any joint owners of the account; and
 - v) the amount of assets surrendered and remitted to the Department.
- E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (g).
- F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.
- H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.
- I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to

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locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (g).

- h) Security, Bond or Other Guarantee of Payment
- 1) Except as provided in subsections (h)(2) and (3) of this Section below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].
 - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
 - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
- i) Past-Due Support Information to Consumer Reporting Agencies
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (c)(2)(A) of this Section:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has accumulated under the order for support.
 - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
 - A) the IV-D case name and identification number;

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- B) the past-due support amount which will be reported;
 - C) the date past-due support will be reported; and
 - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days from the date of mailing of the notice.
 - 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
 - 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:
 - A) a request for
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
 - 6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- j) High-Volume Automated Administrative Enforcement in Interstate Cases
 - 1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.
 - 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize such assets through levy or other appropriate processes.
 - 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:
 - A) Include such information that will enable the state to which the request is transmitted to compare the information about the case to

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- the information in the databases of ~~that the~~ state.
- B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.
- 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of such other state.
 - 5) The Department shall maintain records of:
 - A) The number of such requests for assistance received by the Department.
 - B) The number of cases for the which the Department collected support in response to such a request and the actual amount(s) of such support collected.
- k) Past-Due Support Certified to the Illinois Department of Revenue or to the IV-D Agency of Another State for Administrative Enforcement in the Other State
 - 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ILCS 5/10-17.9]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.
 - 2) The Department may submit past-due support amounts to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:
 - A) past-due support is owed for a child or for a child and the parent with whom the child is living;
 - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;
 - C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
 - D) the responsible relative is not deceased.
 - 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount which will be submitted for

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- collection;
- C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
 - D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.
- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
- A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due amount;
 - C) the amount of current child support obligations; and
 - D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:
- A) name;
 - B) Social Security Number-~~social security number~~;
 - C) IV-D identification number; and
 - D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state.
- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
- 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.
- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
- 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

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- 11) The Department shall:
 - A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or
 - B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.
- l) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
 - 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds \$5,000:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has accumulated under the order for support.
 - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount which will be certified;
 - C) the date past-due support will be certified; and
 - D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
 - 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
 - 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
 - 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
 - A) a request for

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- i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
- 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- m) Other Remedies
The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 160.80 Amnesty – 20% Charge (Repealed)

- ~~a) The definitions of "responsible relatives", "IV-D cases" and "support statutes" contained in 89 Ill. Adm. Code 103.10, 160.10(a) and 160.60(a), respectively, are incorporated herein by reference.~~
- ~~b) The Department, in accordance with the support statutes, shall impose a one-time charge of 20% of the amount of past-due child support owed on July 1, 1988, by responsible relatives in active IV-D cases, which has accrued under a support order entered by a court or administrative body of this or any other state, on behalf of resident or non-resident persons. The one-time charge shall be imposed for the purpose of restoring lost purchasing power (reduced capacity to buy) and shall be deemed to be interest.~~
- ~~c) The Department shall send each responsible relative in each IV-D case, which is active and has a past-due account receivable balance between January 1 and July 1, 1988, a notice that a 20% charge shall be imposed upon any amount past-due as of July 1, 1988.~~
- ~~d) The Department shall provide the responsible relative with a notice at least 30 days prior to imposing the charge, which advance notice shall inform the relative of the following:
 - ~~1) the IV-D case name and identification number;~~
 - ~~2) the past-due child support owed on July 1, 1988 before any charges for the month of July are added thereto;~~
 - ~~3) the amount of the charge that will be imposed;~~
 - ~~4) the date the charge will be imposed; and~~~~

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- ~~5) — the right, prior to the stated date of imposition:~~
- ~~A) — to prevent imposition of the charge by payment of the past due child support owed in full; or~~
 - ~~B) — to contest the determination that past due support is owed or the amount of past due support by requesting a redetermination by the Department.~~
- ~~e) — The Department shall provide the responsible relative with notice of the results of the redetermination and of the right to contest the results of the redetermination by requesting a hearing within 30 days from the date of mailing of the notice.~~
- ~~f) — The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.~~
- ~~g) — The Department shall be stayed from imposing the charge when either of the following occur before the date for imposition stated in the advance notice described in subsection (d) above:~~
- ~~1) — a request for a redetermination; or~~
 - ~~2) — payment in full of the amount of the past due support stated in the advance notice.~~
- ~~h) — The amount subject to the charge shall be that amount past due as of July 1, 1988, that remains past due as of the date for imposition of the charge stated in the advance notice described in subsection (d) above, shall include unpaid portions of judgments and shall exclude any amounts not yet due under a payment plan established by court or administrative order prior to the date of the advance notice.~~
- ~~i) — The Department shall impose the charge when the responsible relative has failed to request a redetermination and has failed to make payment of the past due amount in full as described in subsection (g) or when notice is given of the results of the redetermination as described in subsection (e).~~
- ~~j) — The Department shall apply all payments first to current, then to past due and finally to future support obligations. Any amount applied toward the responsible relative's future support obligations at the time the family ceases to receive IV-D services shall be applied to the 20% charge.~~
- ~~k) — The Department shall distribute the proceeds of the charge collected in each case to the family.~~
- ~~l) — The Department shall seek court enforcement of unpaid charges under the support statutes only in connection with other action to enforce an unmet support obligation.~~
- ~~m) — The Department shall publicize the Amnesty program through public service announcements and by other means in a manner calculated to inform as many obligees and obligors as possible of the existence of the program for the purpose of collecting maximum support for children.~~

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(Source: Repealed at 26 Ill. Reg. _____, effective _____)

Section 160.88 State Case Registry

- a) Pursuant to Section 10-27 of the Illinois Public Aid Code [305 ILCS 5/10-27], the Department shall establish an automated State Case Registry to contain records concerning child support orders for:
- 1) all IV-D cases; and
 - 2) all other cases entered or modified on or after October 1, 1998, and pursuant to Sections 10-10 and 10-11 of the Illinois Public Aid Code [305 ILCS 5/10-10 and 10-11], and pursuant to the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5], the Non-Support of Spouse and Children Act [750 ILCS 15], the Uniform Interstate Family Support Act [750 ILCS 22] or the Illinois Parentage Act of 1984 [750 ILCS 45].
- b) For IV-D cases, the Department shall maintain in the Registry the following information (and any such updated information) that is filed with the Department, or filed with a clerk of the circuit court and provided by the clerk to the Department. ~~The Department shall maintain the following information in the Registry for all cases described in subsection (a) of this Section:~~
- 1) the names of the custodial and non-custodial parents, and of the child or children covered by the order;
 - 2) the dates of birth of the custodial and non-custodial parents, and of the child or children covered by the order;
 - 3) Social Security Numbers ~~the social security numbers~~ of the custodial and non-custodial parents and, ~~if available,~~ of the child or children covered by the order;
 - 4) the residential and mailing addresses for the custodial and non-custodial parents;
 - 5) the telephone numbers for the custodial and non-custodial parents;
 - 6) the driver's license numbers for the custodial and non-custodial parents;
 - 7) the name, address, and telephone number of each parent's employer or employers;
 - 8) the case identification number;
 - 9) the court docket number and county, for those cases with an order for support entered or modified by the circuit court; ~~and~~
 - 10) ~~any other information that may be required under Title IV, Part D of the Social Security Act or regulations promulgated thereunder.~~
- ~~e) The Department shall maintain the following payment information in the Registry on IV-D cases:~~

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- ~~10)1)~~ the amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest or late payment penalties, and fees, due or overdue under the order;
- ~~11)2)~~ any amounts described in subsection ~~(b)(10)~~ ~~(e)(1)~~ of this Section that have been collected;
- ~~12)3)~~ the distribution of the collected amounts; ~~and~~
- ~~13)4)~~ the amount of any lien imposed with respect to the order pursuant to Section 10-25 or Section 10-25.5 of the Public Aid Code [305 ILCS 5/10-25 and 10-25.5]; ~~and-~~
- 14) any other information that may be required under Title IV, Part D, of the Social Security Act or by the federal Department of Health and Human Services.
- c) For all other cases with an order for support entered or modified on or after October 1, 1998, the Department shall maintain in the Registry the following information (and any such updated information) that is filed with the Department, or filed with a clerk of the circuit court and provided by the clerk to the Department:
- 1) the names of the custodial and non-custodial parents, and the child or children covered by the order;
 - 2) the dates of birth of the custodial and non-custodial parents, and of the child or children covered by the order;
 - 3) the Social Security Numbers of the custodial and non-custodial parents, and of the child or children covered by the order;
 - 4) the mailing addresses for the custodial and non-custodial parents;
 - 5) the court docket number and county in which the order for support was entered;
 - 6) any other information that may be required under Title IV, Part D, of the Social Security Act or by the federal Department of Health and Human Services.
- ~~d) When an order for support is entered or modified by the circuit court for all cases described in subsection (a) of this Section, the Department shall obtain the data identified in subsection (b) of this Section and the name of the county where the order was entered from the circuit clerk within five business days after entry of the order.~~
- ~~e) When an order for support is entered or modified by the circuit court in a IV-D case, the Department shall obtain the data identified in subsection (b) of this Section and the following data from the circuit clerk within five business days after entry of the order:~~
- 1) ~~the amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest or late payment penalties, and~~

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- ~~fees, due or overdue, under the order;~~
- ~~2) any amounts described in subsection (e)(1) of this Section that have been received by the clerk; and~~
- ~~3) the distribution of the amounts received by the circuit clerk.~~
- ~~f) When the Department enters or modifies an administrative order for support in a IV-D case under Section 10-8.1 or Section 10-11 of the Illinois Public Aid Code [305 ILCS 5/10-8.1 and 10-11], it shall obtain from the custodial parent and the non-custodial parent the information identified in subsections (b) and (c) of this Section for inclusion in the Registry.~~
- d)g) The Department shall establish, update, maintain, and monitor IV-D case records in the Registry on the bases of:
- 1) information on administrative actions, administrative and judicial proceedings and orders relating to paternity and support;
 - 2) information obtained from comparison with federal, state, and local sources of information;
 - 3) information on support collections and distribution; and
 - 4) any other relevant information.
- e)h) Information contained in the Registry shall be subject to all federal and State confidentiality laws and regulations pursuant to 42 USC 654(26); 45 CFR 205.50 and 303.21; 42 CFR 431, Subpart F; 305 ILCS 5/11-9, 11-10, and 11-12; and Illinois Rules of Court.
- f)i) The Department shall exchange data with other federal, state, and local agencies and other sources of information as necessary to maintain the Registry and with the agencies that administer Section IV, Part A, and Title XIX of the Social Security Act, and any other agency as may be required under Section IV, Part D of the Social Security Act, or regulations promulgated thereunder.
- g)j) The Department shall provide to the Federal Case Registry the case information required by the Department of Health and Human Services.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Surface Water Treatment Code
- 2) Code Citation: 77 Ill. Adm. Code Notices 930
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
930.5	Amendment
930.10	Amendment
930.15	Amendment
930.20	Amendment
930.30	Amendment
930.40	Amendment
Illustration A	Amendment
Illustration B	Amendment
Table A	New Section
Table B	New Section
Exhibit A	Repealer
- 4) Statutory Authority: Authorized by and implementing Section 9 of the Groundwater Protection Act [415 ILCS 55/9].
- 5) A Complete Description of the Subjects and Issues Involved:

Section 930.5. Requires that the provisions of the rules apply to private and semi-private water systems.

Section 930.10. Adds definition of “Approved Testing Agency”, “Private Water System”, and “Non-Community Water System”. These definitions are necessary because the rules require approval by a testing agency and that approval agency must be defined. In addition, the rules apply to non-community, semi-private and private water systems and those systems must also be defined.

Section 930.15. New technical standards are incorporated in this section.

Section 930.20. Requirements for cartridge filtration and ultraviolet disinfection are included and the standards which these filters must meet are also included in this section

Section 930.30. The amendments include requirements for operation of cartridge filters and sand filters.

Section 940.40. The amendments include requirements for maintenance of cartridge and sand filters and ultraviolet disinfection equipment.

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Section 930.TABLE A. The table is added to establish all pipe materials which can be used in the water supply system. They are the same as stated in the Illinois Plumbing Code.

Section 930. EXHIBIT A. Repealed. Information included in TABLE B.

Section 930.TABLE B. Renumbered. Previously EXHIBIT A, it clarifies the daily use requirements used to design the treatment system.

Section 930.ILLUSTRATION A. The amendment clarifies this illustration.

Section 930.ILLUSTRATION B. The amendment clarifies this illustration.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? Yes
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand any State mandates on units of local government.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments within 45 days after this issue of the *Illinois Register* concerning these rules by writing to:

Peggy Snyder, Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Peggy Snyder at the above address.

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Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate its status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: Individuals and small water supplies which serve less than 25 people per day. Individual private supplies, semi-private supplies serving less than 25 people per day and non-community public water supplies serving 25 or more people per day.
 - B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None
 - C) Types of Professional Skills Necessary for Compliance: None
- 13) Department regulatory agenda on which this rulemaking was summarized:
This rulemaking was not included on a regulatory agenda.

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGEPART 930
SURFACE SOURCE WATER TREATMENT CODE

Section

930.5	Applicability
930.10	Definitions
930.15	Incorporated Materials
930.20	Treatment Plant
930.30	Treatment Plant Operation
930.40	<u>Treatment Plant Filter</u> -Maintenance
ILLUSTRATION A	<u>Slow Sand Filter</u> Water Treatment Plant
ILLUSTRATION B	Filter Valving
<u>TABLE A</u>	<u>Approved Materials for Water Service Pipe</u>
<u>TABLE B</u>	<u>Daily Water Requirements</u>
EXHIBIT A	Daily Water Requirements (<u>Repealed</u>)

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9].

SOURCE: Adopted at 10 Ill. Reg. 11116, effective July 1, 1986; amended at 26 Ill. Reg. _____, effective _____.

Section 930.5 Applicability

The rules of this Part are promulgated by the Illinois Department of Public Health to implement the Illinois Groundwater Protection Act [415 ILCS 55]"AN ACT in relation to public health" (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 22 et seq.). These rules apply to private, semi-private and non-community public water systems~~supplies obtaining water obtained~~ from a surface source of water and not regulated by the Illinois Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1001 et seq.) or Illinois Environmental Protection Agency.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 930.10 Definitions

"Approved Certification Agency" means an organization that has been accredited

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by the American National Standards Institute and found to meet the requirements specified in ANSI Z 34.1 (1993), Third Party Certification Program to evaluate drinking water treatment units for compliance with ANSI/NSF Standard 42, ANSI/NSF Standard 53 and ANSI/NSF Standard 55.

"Effective size" means the size of screen opening where 90 percent by weight of a sample of filter media is retained on the screen and 10 percent passes through the screen.

"Intake" means a pipe or other means to withdraw raw water from the surface source.

"Non-Community Water System" 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.

~~"Pond" means a natural or artificially constructed reservoir used to store water from streams or the surface of the ground.~~

"Private Water System" means a water system that serves an owner-occupied single family residence or dwelling.

"Public Water ~~System~~Supply" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes: any collection, treatment, storage and distribution facilities under control of the operator of ~~the such~~ system and used primarily in connection with ~~the such~~ system; and any collection or pretreatment storage facilities not under such control ~~that which~~ are used primarily in connection with ~~the such~~ system.

"Semi-Private Water ~~System~~Supply" means a water supply which is not a public water ~~systems~~supply, yet which serves a segment of the public other than an owner-occupied single family residence or dwelling.

"Surface source" means a supply of water which is taken from a reservoir (e.g, pond, lake, or stream).

"Uniformity coefficient" means a number obtained by dividing that size of sand in millimeters of which 60 percent by weight is smaller, by that size of sand in

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millimeters of which 10 percent by weight is smaller.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 930.15 Incorporated Materials

a) The following regulations and materials are incorporated or referenced in this Part:

- 1) Illinois Plumbing Code
(77 Ill. Adm. Code 890)
Illinois Department of Public Health
- 2) Illinois Water Well Construction Code
(77 Ill. Adm. Code 920)
Illinois Department of Public Health
- 3) Drinking Water Systems
(77 Ill. Adm. Code 900)
Illinois Department of Public Health
- 4) Standard Methods for the Examination of Water and Waste ~~water~~Water
(1995 1978 Edition - American Public Health Association, 1015 1518th
Street, N.W., Washington, D.C. 2000536)
- 5) ANSI/NSF Standard 42, Drinking Water Treatment Units – Aesthetic
Effects (1997) Published by:

NSF International
P.O. Box 130140
Ann Arbor, Michigan 48113-0140
Referenced in Section 930.20

- 6) ANSI/NSF Standard 53, Drinking Water Treatment Units – Health Effects
(1997) Published by:

NSF International
P.O. Box 130140
Ann Arbor, Michigan 48113-0140
Referenced in Section 930.20

- 7) ANSI/NSF Standard 55, Ultraviolet Microbiological Water Treatment
Systems (1991) Published by:

NSF International

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P.O. Box 130140
Ann Arbor, Michigan 48113-0140
Referenced in Section 930.20

- 8) ANSI Z 34.1 (1993), Third Party Certification Program American National Standards Institute

11 West 42nd Street
New York NY 10036

- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 930.20 Treatment Plant

A ~~non-community~~public water ~~system~~supply, or semi-private water ~~system~~, or a private water ~~system~~ supply which obtains water from a surface source, shall treat water by utilizing a water treatment plant with either slow sand filtration or cartridge filtration, and disinfection. ~~The treatment plant shall include the following principal units:~~

- a) General
- 1) Raw Water Quality. The turbidity of the source water shall not exceed 50 nephelometric turbidity units. Cartridge filtration shall not be used to treat water obtained from rivers.
 - 2) Intake. A means must be provided to withdraw raw water from the surface source. Intakes shall not incorporate a submerged sand and gravel filter. The intake must be located at a point of deepest water in the pond and must be capable of being raised or lowered for cleaning. A coarse meshed screen with openings not greater than ¼ inch shall be placed over the end of the intake pipe to prevent entrance of fish, dead leaves, and other debris. The intake pipe must be constructed such that it is flexible, will not break when raised, and shall be approved for use as potable water piping in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890, Section 890.Appendix A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards) or Table A Approved Materials for Water Service Pipe of this Part-Exhibit G, Table D). The intake pipe must be kept below any ice, it must be buried in a trench through shallow water,

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and it must be placed below the frost line at all points.

- b) Slow Sand Filtration. The treatment plant shall include the following principal units.
- 1) Raw Water Pump. A pump shall be required to deliver water from the intake to the filter at a rate which is greater than the filtration rate. The pump must be self-priming or so installed that it will not lose its prime.
- A)1) The pump shall be driven by an electric motor, controlled by a sensing system on top of the filter, and set to start and stop the raw water pump automatically. The system shall be set to allow 10 inch – 12 inch fluctuation in the water level in the filter to prevent frequent cycling of the pump.
- B)2) The raw water pump will not be required when the elevation of the filter is below the elevation of the intake pipe. Elevation difference between the pond and the filter must be sufficient to produce the flow rate needed at times of low pond water levels in accordance with the rates set forth in Section 930.30 of this Part. There must be no possibility of flooding the treatment plant by high water which may occur below the pond.
- 2)e) Filter Sand. The filter must be designed so that the raw water flows downward by gravity through the filter media.
- A)1) Filter SandMedia. The filter media shall be a layer of sand at least three feet in depth. The sand shall have an effective size of .25 - .35 mm with an ideal size of .30 mm and a uniformity coefficient of 1.4 - 1.8 with an ideal uniformity coefficient of 1.6. The sand shall be supported by a bed of gravel one foot in depth. A perforated pipe must be installed at the bottom of the filter which will allow water to flow to a water storage tank.
- B)2) Filtration Rate. The maximum permissible filtration rate shall be 2 gallons per minute for each 25 square feet of sand surface area. The amount of water needed per day shall be calculated using Table BAttachment A The filter must be large enough to produce the daily requirement of water in not more than 12 hours.
- C)3) Construction. The filter must be constructed of concrete or a material which will not corrode or deteriorate and the walls and bottom shall be watertight. Examples of materials which will corrode or deteriorate include wood, tin, or steel. The minimum height of the filter shall be 8 feet in order to provide for a 3 foot depth of water above the sand, and a minimum of 1 foot from water level to the top of the filter during operation.
- D)4) Underdrain Pipe. A perforated underdrain pipe, 1¼ inches inside

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diameter or larger, shall be installed horizontally at 2 inches above the bottom of the filter tank. One end of the pipe shall be capped within the filter to prevent the entrance of gravel. The other end shall pass through the filter wall, and a valve shall be installed to regulate the flow of water leaving the filter. See Illustration A.

Forty 40-50 holes in the underdrain pipe shall be drilled in 2 rows at a 90° angle to each other on the bottom side of the pipe. The holes shall be ¼ inch in diameter and shall be uniformly spaced. One separate underdrain pipe shall be installed for each 75 square feet of filter area.

E)5) Gravel. Clean, washed gravel shall be placed in three graded layers in the filter, the coarsest gravel being on the bottom. The bottom layer shall be placed to a depth of 6 inches, and shall consist of stones ½-¾ inches in diameter. The top of the pipe shall be 2 inches below the top of this layer. The second or middle layer shall be 3 inches in depth and shall consist of stones ¼-½ inches in diameter. The third or top layer shall be 3 inches in depth and consist of stones ? -¼ inches in diameter.

F)6) Filter Valves. The piping which carries the water from the filter is to be valved as shown in Illustration B. The filter to waste pipe shall discharge at least 6 inches above the floor drain to permit checking the clarity of the filtered water and to measure the flow rate of filtered water. The floor drain shall not be located over the ~~clear~~-filtered water storage tank well-nor shall any portion of the waste drain piping pass through any part of the water storage tank. The filtered water shall be stored in the storage tank and a float valve shall be installed at the end of the filtered water pipe within the storage tank to shut off the flow when the tank is filled to approximately 6 inches from the top. (See Illustration A for exact location.) Solenoid valves controlled by a float switch may also be used. A manhole shall be installed in the top of the storage tank. The manhole shall have a raised curb and be provided with a cover of the overhanging type. The float valve is to be located to one side of the manhole so that it may be reached for any adjustment, without entering the storage tank. The floor drain which receives filtered water and discharges to waste shall discharge at ground level, at least 15 feet horizontally and downgrade from the plant and above any floodwater level. This drain shall not be connected to any other drain or sewer.

G)7) Filtered Water Storage Tank. A watertight and pollution-proof

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reservoir must be provided to receive the filtered water. Its capacity shall be at least equal to the amount of water which will be used in one day. This amount is obtained by using Table BExhibit A. The top of the storage tank shall not be higher than the bottom of the filter, and shall not be located where it can be subject to flooding. Sources of pollution shall not be located closer to buried water storage tanks than indicated in Section 920.50 of the Illinois Water Well Construction Code (77 Ill. Adm. Code 920.50).

- 8) ~~Disinfection System. A disinfection system is required.~~
- A) ~~Disinfection may be accomplished with calcium or sodium hypochlorites or gas chlorine or other disinfecting agents approved by the Department. Proposals for the use of disinfecting agents other than those specifically listed above must be approved by the Department prior to preparation of final plans and specifications. The Department will grant approval when all available information establishes that the chemical to be used as a disinfecting agent meets the following conditions: the residual levels created by the use of the chemical will not jeopardize the health of the user of the water, testing procedures for residual elements are recognized in "Standard Methods for the Examination of Water and Wastewater" (1978 Edition American Public Health Association) (see Section 930.15) and the chemical will destroy bacteria in the water supply.~~
- B) ~~Chlorination Equipment. The Chlorinator shall be designed to provide a free chlorine residual of at least two milligrams per liter in the water after contact time of at least 30 minutes at flow rates as indicated in Exhibit A. The equipment shall be of such design that it will operate accurately over the desired feeding range. Where flow is uniform, actuation of a constant volume feeder by the pump circuit is required. Where flow is variable, automatic flow proportioning is required.~~
- C) ~~Contact Time and Point of Application. A minimum free chlorine residual of at least 0.1 milligram per liter shall be maintained at distant points in the water distribution system. Chlorine shall be applied after the filter and prior to the filtered water storage tank.~~
- D) ~~Testing Equipment. Chlorine residual test equipment capable of measuring free chlorine residual shall be provided and shall be capable of measuring residuals to the nearest 0.1 mg/1 in the range below 0.5 mg/1, to the nearest 0.3 mg/1 between 0.5 and 1.0 mg/1, and to the nearest 0.5 mg/1 between 1.0 mg/1 and 2.0 mg/1.~~

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- ~~E) Hypochlorinator. Positive displacement pumps shall be provided to inject hypochlorite solution. The pump shall be of variable flow type and shall be of sufficient capacity to feed the required amount of disinfectant. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed 5 percent. The solution container shall have a minimum capacity equal to the volume of solution required per day. The hypochlorinator shall be electrically interconnected with the raw water feed pump so that both will start and stop together.~~
- ~~F) Gas Chlorinators. Any gas chlorination system shall meet the requirements of Section 900.40(n)(5) of the rules for Drinking Water Systems (77 Ill. Adm. Code 900.40(n)(5)).~~
- ~~H)9) Filtered Water Pump and Pressure Tank. An electrically driven pump shall be provided to remove water from the storage tank. The water distribution system shall be designed to maintain a minimum positive pressure of 20 pounds per square inch (p.s.i.) in all parts of the system at all times. Water pipe shall conform to applicable specifications and standards of the Illinois Plumbing Code (77 Ill. Adm. Code 890, Section 890.1150) for the type of pipe to be used.~~
- ~~D)10) Filter Building. A building or structure shall be provided to enclose the filter and pumps. If the system is to be operated through the winter months, heating must be provided to prevent freezing.~~
- c) Cartridge Filtration. The treatment plant shall include the following principal units.
- 1) Raw Water Pump. The pump shall be driven by an electric motor and be controlled by a pressure switch set to turn on the pump at a pressure of no less than 20 pounds per square inch. The pump shall be protected against excessive cycling by the installation of a hydropneumatic tank. The volume of water that can be drawn from the hydropneumatic tank between pump cycles shall be at least equal to the volume of water pumped in 30 seconds. The hydropneumatic tank shall be installed upstream of the filters and disinfection system.
- 2) Particulate Reduction Filter. Particulate reduction shall be accomplished using a filter certified to comply with ANSI/NSF Standard 42 - Drinking Water Treatment units - Aesthetic Effects, for particulate reduction, class I or II and be listed as such by an approved certification agency. The design flow rate in the particular application in which the filter is utilized shall not exceed the rated service flow rate for which the filter was

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- certified. An official certification label from the certifying agency shall be permanently affixed to the filter. When treating turbid waters, an additional filter may be needed prior to the particulate reduction filter.
- 3) Turbidity Reduction and Cyst Reduction. Turbidity reduction and cyst reduction shall be accomplished utilizing either separate filters for each process or one filter for both processes. The turbidity and cyst reduction filters shall be located downstream of the particulate reduction filter.
- A) Turbidity Reduction Filter. Turbidity reduction shall be accomplished using a filter certified to comply with ANSI/NSF Standard 53 - Drinking Water Treatment units - Health Effects, for turbidity reduction and be listed as such by an approved certification agency. The design flow rate in the particular application in which the filter is utilized shall not exceed the rated service flow rate for which the filter was certified. An official certification label from the certifying agency shall be permanently affixed to the filter.
- B) Cyst Reduction Filter. Cyst reduction shall be accomplished using a filter certified to comply with ANSI/NSF Standard 53 - Drinking Water Treatment units - Health Effects, for cyst reduction and be listed as such by an approved certification agency. The design flow rate in the particular application in which the filter is utilized shall not exceed the rated service flow rate for which the filter was certified. An official certification label from the certifying agency shall be permanently affixed to the filter.
- 4) Flow Control. A flow control valve and a flow rate meter shall be installed downstream of the filters. The flow rate meter shall have a range which will permit the measurement of the rated service flow rate for the filters, and shall have an accuracy of $\pm 10\%$ over the full scale.
- d) Disinfection.
- 1) A disinfection system shall be installed with calcium or sodium hypochlorites or gas chlorine or other disinfecting agents approved by the Department. Proposals for the use of disinfecting agents other than those specifically listed in this Section must be approved by the Department prior to preparation of final plans and specifications. The Department will grant approval when all available information establishes that the chemical to be used as a disinfecting agent meets the following conditions: the residual levels created by the use of the chemical will not jeopardize the health of the user of the water, testing procedures for residual elements are recognized in "Standard Methods for the Examination of Water and Wastewater" (1995 Edition - American Public Health Association) (see

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Section 930.15) and the chemical will destroy bacteria in the water supply. Ultraviolet disinfection may only be used in water treatment plants utilizing cartridge filtration.

2) Chlorination. Disinfection using chlorine shall include feeding equipment, a retention tank and testing equipment.

A) Chlorination Equipment. The chlorinator shall be designed to provide a free chlorine residual of at least two milligrams per liter (mg/l) in the water. The equipment shall be designed so that it will operate accurately over the desired feeding range. Where flow is uniform, actuation of a constant volume feeder by the pump circuit is required. Where flow is variable, automatic flow proportioning is required.

i) Hypochlorinator. Positive displacement pumps shall be provided to inject hypochlorite solution. The pump shall be of variable flow type and shall be of sufficient capacity to feed the required amount of disinfectant. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed 5 percent. The solution container shall have a minimum capacity equal to the volume of solution required per day. The chlorine pump shall be controlled by a float switch located in the filtered water storage tank. Chlorine shall be pumped whenever water is flowing into the storage tank.

ii) Gas Chlorinators. Any gas chlorination system shall meet the requirements of Section 900.40(n)(5) of the Drinking Water Systems Code (77 Ill. Adm. Code 900.40(n)(5)).

B) Contact Time and Point of Application. Chlorine shall be applied after the filter and prior to the filtered water storage tank, and in a manner that will provide a free chlorine residual of at least 2 milligrams per liter in the water after thorough mixing and a contact time of at least 30 minutes at maximum flow rates. The pipe carrying water from the filter shall terminate at or above the water surface of the storage tank. Water shall be withdrawn from a solid pipe at a point not more than 3 inches above the bottom of the water storage tank.

C) Testing Equipment. Chlorine residual test equipment capable of measuring free chlorine residual shall be provided and shall be capable of measuring residuals to the nearest 0.1 mg/L in the range below 0.5 mg/L, to the nearest 0.3 mg/L between 0.5 and 1.0 mg/L, and to the nearest 0.5 mg/L between 1.0 mg/L and 2.0 mg/L.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) Ultraviolet Disinfection. Where ultraviolet disinfection is used, it shall be accomplished using an ultraviolet disinfection system certified to comply with ANSI/NSF Standard 55 - Ultraviolet Microbiological Water Treatment Systems - Class A Systems. The design flow rate for the ultraviolet disinfection equipment shall be at least equal to the rated service flow rate for any of the filters. The ultraviolet disinfection equipment shall be installed downstream of the filters.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 930.30 Treatment Plant Operation

- a) Slow sand filtration plants shall comply with the following.
- 1) Disinfection of Storage Tank. The walls and bottom of the storage tank must be free of dirt and debris prior to operation. The side and bottom must then be washed with a chlorine solution of 100 parts per million.
 - 2)b) Prior to operation, the filter must be disinfected with a solution of 100 parts per million. The effluent valve is to be closed, and this solution must remain in the filter for at least 24 hours.
 - 3)e) Before water is allowed to flow to the filter, a clean piece of wood, fiberglass or a metal plate 2 feet square must be placed on the surface of the sand in order to prevent the initial water from disturbing the sand. After the filter has reached operating level, the plate must be removed.
 - 4)d) Filtration Rate. The filtration rate shall not exceed 2 gallons per minute for each 25 square feet of sand filter area.
- b) Cartridge filtration treatment plants shall comply with the following.
- 1) The flow rate shall not exceed the maximum design flow rate for any of the filters or disinfection system.
 - 2) The water pressure shall be maintained at 20 pounds per square inch or greater downstream of the treatment plant.
- c) Disinfection shall comply with the following.
- 1) If chlorine disinfection is used, a minimum free chlorine residual of at least 0.2 mg/L shall be maintained at distant points in the water distribution system and a minimum free chlorine residual of 0.4 mg/L shall be maintained in the water storage tank.
 - 2) If ultraviolet disinfection is used, the ultraviolet disinfection equipment shall be kept in continuous operation 24 hours per day.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

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Section 930.40 Treatment Plant Filter Maintenance

- a) Slow sand filtration treatment plants shall be maintained as follows:
- 1) Cleaning. Whenever the design flow can no longer be achieved the filter must be cleaned. In order to clean the filter, the water level must be lowered to 2 to 3 inches below the top of the sand. The filter must not be drained. The accumulated mud and slime along with ½ inch of the top of the sand surface must be removed.
 - 2) Proper Filter Depth. After 6 inches of sand has been removed due to repeated cleaning, additional sand which shall comply with the design criteria specified in Section 930.20(c) must be added so the filter is restored to the original depth of 3 feet.
- b) Cartridge filtration treatment plants shall be maintained as follows:
- 1) Cartridge filters shall be cleaned or replaced according to the manufacturer's recommendation.
 - 2) Replacement cartridges shall be equal to the original equipment.
- c) Ultraviolet disinfection equipment shall be maintained as follows:
- 1) The ultraviolet equipment lamp shall be cleaned or replaced when the equipment has a lamp intensity failure. The lamp shall be replaced when the equipment has a lamp failure.
 - 2) The ultraviolet lamp shall be replaced at intervals specified by the manufacturer, but no less often than annually.
 - 3) Replacement ultraviolet equipment lamps shall be equal to the original equipment.

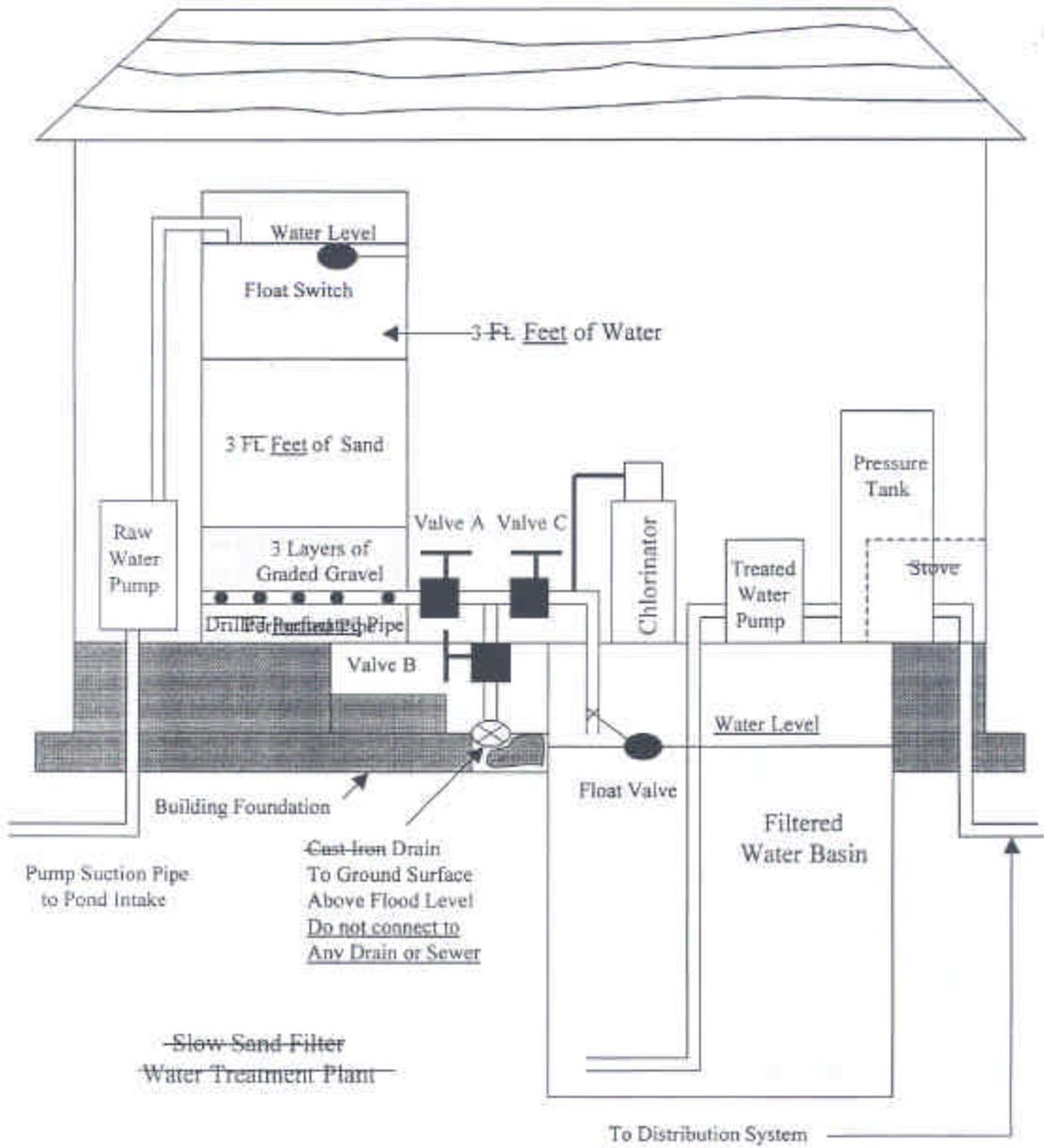
(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

| Section 930.ILLUSTRATION A Slow Sand Filter Water Treatment Plant

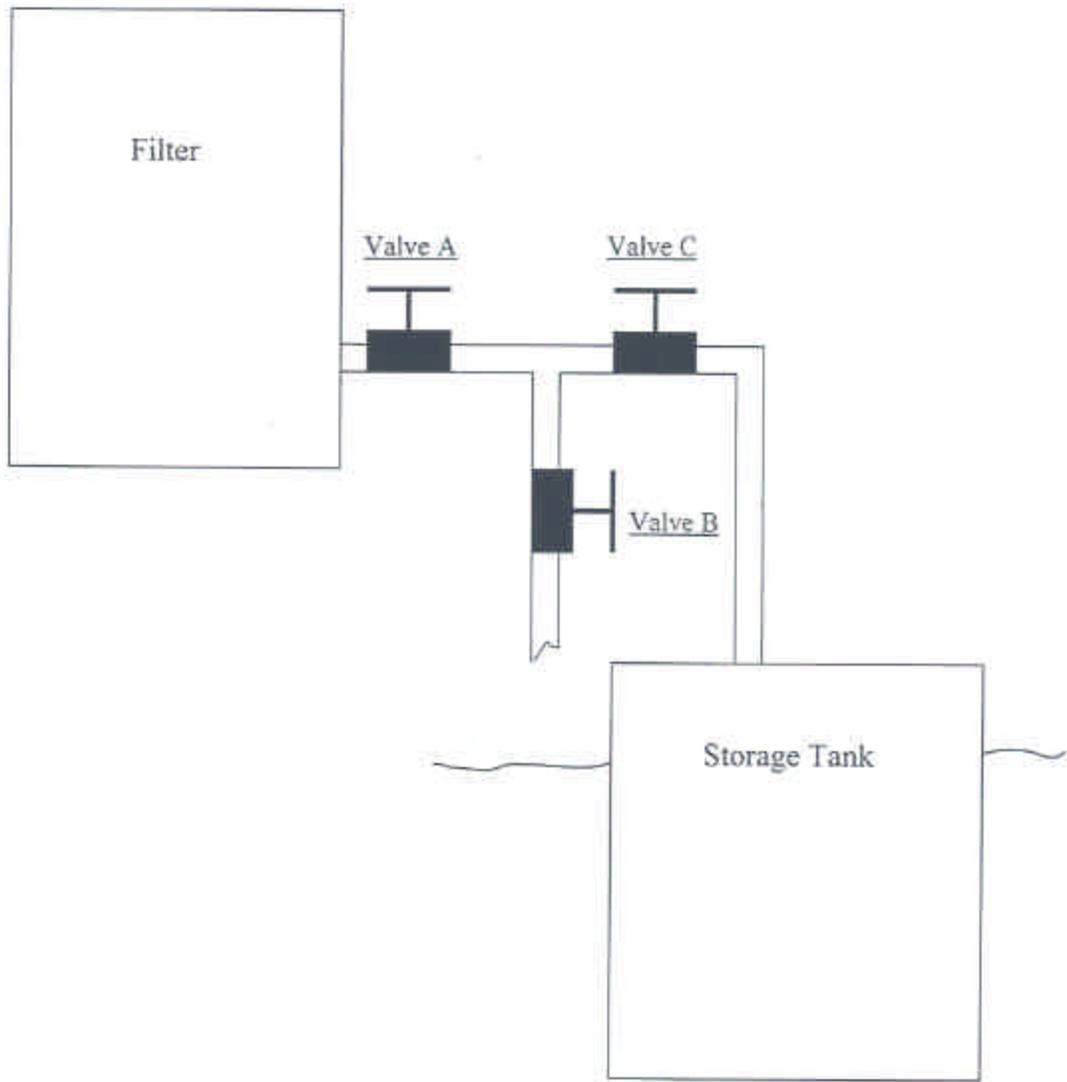
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS



(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
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Section 930.ILLUSTRATION B Filter Valving



(Source: Amended at 26 Ill. Reg. _____, effective _____)

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 930.TABLE A Approved Materials for Water Service Pipe

	<u>Material</u>	<u>Standard</u>
1)	<u>Acrylonitrile Butadiene Styrene (ABS) Pipe</u>	<u>ASTM D 1527-1988</u>
	<u>Joints</u>	<u>ASTM D 2282-1988</u>
	<u>Solvent Cement⁽¹⁾</u>	<u>ASTM D 2235-1988</u>
2)	<u>Brass Pipe</u>	<u>ASTM B 43-1988</u>
3)	<u>Cast Iron (ductile iron)</u> <u>Water Pipe</u>	<u>ASTM A 377-1984</u>
4)	<u>Chlorinated Polyvinyl Chloride (CPVC) Pipe</u>	<u>ASTM D 2846-1988</u>
	<u>Joints</u>	<u>ASTM F 441-1988</u>
	<u>Solvent Cement (orange)⁽¹⁾</u>	<u>ASTM F 442-1988</u>
		<u>ASTM D 2846-1988</u>
		<u>ASTM F 493-1988</u>
5)	<u>Copper/Copper Alloy Pipe</u>	<u>ASTM B 42-1988</u>
		<u>ASTM B 302-1988</u>
6)	<u>Copper/Copper Alloy Tubing</u>	<u>ASTM B 88-1988</u>
7)	<u>Polyethylene (PE) Pipe</u>	<u>ASTM D 2239-1988</u>
8)	<u>Polyethylene (PE) Tubing</u>	<u>ASTM D 2737-1988</u>
9)	<u>Polyvinyl Chloride (PVC) Pipe</u>	<u>ASTM D 1785-1988</u>
		<u>ASTM D 2241-1988</u>
		<u>ASTM D 2672-1988</u>
	<u>Joints</u>	<u>ASTM D 2855-1983</u>
	<u>Primer</u>	<u>ASTM F 656-1988</u>
	<u>Solvent Cement⁽¹⁾</u>	<u>ASTM D 2564-1988</u>

⁽¹⁾ Solvent cement must be handled in accordance with ASTM F 402-1988.

(Source: Added at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 930.TABLE B Daily Water RequirementsTYPE OF ESTABLISHMENTFARM HOME:

<u>Each person.....</u>	<u>50 gals.</u>	<u>Each hog.....</u>	<u>5 gals.</u>
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<u>Each beef cow</u>	<u>15 gals.</u>	<u>Each sheep</u>	<u>3 gals.</u>
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<u>Each milk cow.....</u>	<u>35 gals.*</u>	<u>Each 100 chickens</u>	<u>10 gals.</u>
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Multiply the total in gallons by 365 to obtain the estimated water need for a year. Add to this any irrigation or other sizable needs, such as spraying of large orchards.

*Includes allowance for dairy barn and milk house sanitation.

PERMANENT DWELLINGS :GALLONS PER
PERSON PER DAY

<u>Apartments – multiple family</u>	<u>75</u>
<u>Boarding Houses</u>	<u>50</u>
<u>Additional per non-resident border</u>	<u>10</u>
<u>Boarding Schools</u>	<u>100</u>
<u>Residential Institutions (per bed)</u>	<u>125</u>
<u>Single Family Homes and Condominiums</u>	<u>100</u>
<u>Mobile Home Parks (per space)</u>	<u>250</u>
<u>Rooming Houses</u>	<u>40</u>

TRAVEL AND RECREATIONAL FACILITIES:

<u>Airports (per passenger)</u>	<u>5</u>
<u>Campgrounds with flush toilets and showers (per space)</u>	<u>20</u>
<u>Campgrounds with flush toilets, no showers (per space)</u>	<u>15</u>
<u>Cottages and small dwellings with single occupancy</u>	<u>75</u>
<u>Country Clubs (per member present)</u>	<u>25</u>
<u>Day Camps (children – no meals)</u>	<u>25</u>
<u>Highway Rest Areas</u>	<u>5</u>
<u>Hotels and Motels (per bed space)</u>	<u>50</u>
<u>Picnic Parks with flush toilets</u>	<u>5</u>

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<u>Places of Public Assembly</u>	<u>5</u>
<u>Swimming Pools, Bathing Beaches and Bathhouses (bather load as defined in 77 Ill. Adm. Code 820.10)</u>	<u>10</u>
<u>Theaters</u>	
<u>Movie (per auditorium seat)</u>	<u>5</u>
<u>Drive-In (per car space)</u>	<u>10</u>
<u>Travel Trailer Park with water and sewer hookups (per space)</u>	<u>30</u>
<u>Travel Trailer Park without water and sewer hookups (per space)</u>	<u>10</u>
 <u>COMMERCIAL, INDUSTRIAL AND MISCELLANEOUS:</u>	
<u>Churches</u>	<u>5</u>
<u>Construction Camps or Sites</u>	<u>50</u>
<u>Factories (gallons per person per shift, exclusive of industrial needs)</u>	<u>35</u>
<u>Hospital (per bed space)</u>	<u>250</u>
<u>Laundries – self-service (gallons per wash, i.e., per customer)</u>	<u>50</u>
<u>Offices and other day workers</u>	<u>15</u>
<u>Restaurants (per meal)</u>	<u>10</u>
<u>Additional for bars and cocktail lounges</u>	<u>2</u>
<u>Schools without gyms, cafeterias or showers</u>	<u>15</u>
<u>Schools with gyms, cafeterias and showers</u>	<u>25</u>
<u>Schools with cafeterias, but without gyms and showers</u>	<u>20</u>
<u>Service stations (per vehicle served)</u>	<u>5</u>
<u>Shopping Centers (per 1000 ft.² floor area)</u>	<u>250</u>
<u>Stores (per toilet room)</u>	<u>400</u>

(Source: Added at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 930.EXHIBIT A Daily Water Requirements (Repealed)**TYPE OF ESTABLISHMENT****FARM HOME:**

~~Each person 50 gals. Each hogATTN. 5 gals.~~

~~Multiply the daily total in gallons by 365 to obtain the estimated water need for a year. Add to this any irrigation or other sizable needs, such as spraying of large orchards.~~

~~*Includes allowance for dairy barn and milk house sanitation.~~

PERMANENT DWELLINGS:	PER PERSON PER DAY	(unless otherwise noted)
— multiple family	75	
Houses	50	
	-additional per non-resident boarder	10
Schools	100	
Institutions (per bed)	125	
Family Homes and Condominiums	100	
Home Parks (per space)	250	
Houses	40	

TRAVEL AND RECREATIONAL FACILITIES:

	Airports (per passenger)	5
with flush toilets and showers (per space)	20	
with flush toilets, no showers (per space)	15	
and small dwellings with single occupancy	75	
Clubs (per member present)	25	

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Camps (children—no meals)	25	
Rest Areas	5	
and Motels (per bed space)	50	
Parks with flush toilets	5	
of Public Assembly	5	
Pools, Bathing Beaches and Bathhouses		
	(bather load as defined in 77 Ill. Adm. Code 820.10)	10
	Movie (per auditorium seat)	5
	Drive-in (per car space)	10
	Travel Trailer Park with water and sewer	30
Trailer Park with water and sewer hookups	(per space)	30
Trailer Park without water and sewer hookups	(per space)	10
COMMERCIAL, INDUSTRIAL AND MISCELLANEOUS:		
Camps or Sites	Churches	5
(gallons per person per shift,	50	
(per bed space)	—exclusive of industrial needs)	35
—self service	250	
and other day workers	(gallons per wash, i.e., per customer)	50
(per meal)	15	
	10	
	—additional for bars and cocktail	2

DEPARTMENT OF PUBLIC HEALTH

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	lounges
without gyms, cafeterias or showers	15
with gyms, cafeterias, and showers	25
with cafeterias, but without gyms and showers	20
stations (per vehicle served)	5
Centers (per 1000 ft.2 floor area)	250
(per toilet room)	400

(Source: Repealed at 26 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Superfecta
- 2) Code Citation: 11 Ill. Adm. Code 311
- 3) Section Number: 311.40 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking permits organization licensees to card superfecta wagers in thoroughbred races when uncoupled entries exist so long as minimum standards are met. The recent adoption of Section 1413.48 precludes superfectas from being carded when uncoupled entries exist.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph, Ste. 11-100
Chicago IL 60601
312/814-5017
- 12) 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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because it was not anticipated when they were submitted.

The full text of the Proposed Amendment is identical to the Emergency Amendment on page of this issue of the *Illinois Register*:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 311
SUPERFECTA

Section

311.10	Superfecta
311.20	Pool Distribution
311.25	Scratches
311.30	Dead Heats
311.35	Minimum Fields
311.40	Entries

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

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. 6663, effective May 1, 1995; amended at 26 Ill. Reg. 4903, effective March 20, 2002; amended at 26 Ill. Reg. 12357, effective August 1, 2002; amended at 26 Ill. Reg. _____, effective _____.

Section 311.40 Entries

- a) ~~For thoroughbred racing, entries, either coupled or uncoupled, shall be allowed in a superfecta race under the following conditions: Only one entry (i.e., two or more horses with a common interest) either coupled or uncoupled (see 11 Ill. Adm. Code 1312.265 and 1413.48) shall be allowed in a superfecta race so long as it is a stakes race with a minimum purse of \$25,000.~~
- 1) one entry requires at least seven betting interests at the start of the race.
 - 2) two entries require at least eight betting interests at the start of the race.
 - 3) more than two entries shall require approval from the Executive Director or the State Director of Mutuels.
- ~~b) For overnight thoroughbred races, one coupled entry shall be allowed.~~
- b)e) This Section shall not apply to races that are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)] or for uncoupled entries permitted in 11 Ill. Adm. Code 1413.114(c) when there are thoroughbred stakes races with purses of \$250,000 or more.

ILLINOIS RACING BOARD

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(Source: Amended at 26 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.180 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will permit the Board to draw a blood sample from a horse prior to the running of a race (pre-race). Currently, the Board is restricted to post race testing.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted in writing, within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph, Ste. 11-100
Chicago IL 60601
312/814-5017
- 12) 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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: it was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

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

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 26 Ill. Reg. _____, effective _____.

Section 603.180 Carbon Dioxide Tests

- a) The Board recognizes that an excess level of total carbon dioxide TCO₂ in the

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

race horse is considered adverse to the best interests of racing and adverse to the best interest of the horse in that such condition alters its normal physiological state. Accordingly, ~~in compliance with post race testing procedures set forth in Section 603.110 (Test Samples)~~, the State Veterinarian may draw blood samples from a horse for the purpose of obtaining a TCO₂ concentration.

- b) Blood samples for TCO₂ shall be drawn ~~pre-race or post-race not earlier than one hour following the official post time of the race.~~
- c) The ~~post race~~-TCO₂ level in the blood shall not exceed:
 - 1) 39.0 millimoles per liter if the horse is competing on furosemide in accordance with Section 603.70 (Furosemide).
 - 2) 37.0 millimoles per liter if the horse is not competing on furosemide.
- d) In the event a blood post-race sample from a horse contains an amount of TCO₂ ~~that which~~ exceeds the levels described in subsection (c), the following penalties shall apply:
 - 1) The first time the laboratory reports an excessive TCO₂ level, the trainer shall be fined not more than \$500 and the purse shall be redistributed.
 - 2) The second time the laboratory reports an excessive TCO₂ level, the trainer shall be suspended not more than 30 days and/or fined not more than \$1,000 and the purse shall be redistributed.
 - 3) For each subsequent report of an excessive TCO₂ level, the trainer shall be subject to a suspension of not longer than 120 days, a fine of not more than \$1,000 and the purse shall be redistributed.
- e) The provisions of Section 603.120 (Referee Samples) shall not apply to blood samples drawn for purposes of carbon dioxide testing.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Payment of Taxes By Electronic Funds Transfer
- 2) Code Citation: 86 Ill. Adm. Code 750
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
750.100	Amendment
750.300	Amendment
750.500	Amendment
750.600	Amendment
750.700	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-210
- 5) A Complete Description of the Subjects and Issues Involved:

These regulations implement the provisions of Public Acts 92-492, 92-322, 92-526 and 92-393. Each of these Acts effects changes in the Department's Electronic Funds Transfer ("EFT") program. Public Act 92-393 authorizes taxpayers under the Liquor Control Act of 1934 to file returns electronically and provides that this method of filing requires payment of taxes by means of EFT. Public Act 92-492 establishes new monetary thresholds that trigger payment of taxes by means of EFT. Beginning October 1, 2002, this act requires taxpayers who have an annual tax liability of \$200,000 or more to make all payments of tax to the Department by EFT. These regulations explain the manner in which this requirement will be implemented for various tax types (some, such as Hotel Operators' Occupation Tax, Home Rule Municipal Soft Drink Retailers' Occupation Tax, Cigarette Tax, Cigarette Use Tax and tax under the Liquor Control Act of 1934, are implemented effective January 1, 2003). Public Act 92-526, which implements the Simplified Municipal Telecommunications Tax Act, requires that retailers whose average monthly tax billings under both the new simplified act and the Telecommunications Excise Tax Act exceed \$1000 pay tax by means of EFT. Public Act 92-322 requires taxpayers purchasing cigarette tax stamps by means of the 30-day draft method to pay by means of EFT. These regulations also specify which taxes may be voluntarily paid by means of EFT, and have been updated to reflect current policies and procedures.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:
- Jerilynn Troxell Gorden
Senior Counsel, Sales & Excise Taxes
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: These regulations will affect small businesses that are either required to make payment of tax by means of EFT, or do so on a voluntary basis.
- B) Reporting, bookkeeping or other procedures required for compliance: Familiarity with electronic commerce methods, particularly payment methods, is required.
- C) Types of professional skills necessary for compliance: Computer skills related to electronic commerce; tax preparation skills.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 750

PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

Section

750.100	Scope of the Program and Rules
750.200	Definitions
750.300	Payments Required to be Paid by Electronic Funds Transfer
750.400	Eligibility Determination and Taxpayer Notification
750.500	Voluntary Program Participation
750.600	Methods of Electronic Funds Transfer Payment
750.700	Payment Transmission Errors
750.800	Department Notification Requirement
750.900	Due Date; General Provisions

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5], Use Tax Act [35 ILCS 105], Service Use Tax Act [35 ILCS 110], Service Occupation Tax Act [35 ILCS 115], Retailers Occupation Tax Act [35 ILCS 120] and Electricity Excise Tax Law [35 ILCS 640] and authorized by Section 2505-210 of the Civil Administrative Code [20 ILCS 2505/2505-210].

SOURCE: Adopted at 17 Ill. Reg. 18132, effective October 4, 1993; amended at 18 Ill. Reg. 15612, effective October 11, 1994; amended at 20 Ill. Reg. 9111, effective July 2, 1996; amended at 22 Ill. Reg. 10904, effective June 8, 1998; amended at 23 Ill. Reg. 5847, effective May 3, 1999; amended at 24 Ill. Reg. 3867, effective February 28, 2000; amended at 25 Ill. Reg. 185, effective December 26, 2000; amended at 26 Ill. Reg. 1727, effective January 24, 2002; amended at 26 Ill. Reg. _____, effective _____.

Section 750.100 Scope of the Program and Rules

- a) ~~Public Act 87-1132, as amended by P.A. 87-1246, requires Illinois taxpayers with liabilities for income taxes and occupation and use taxes exceeding established thresholds to pay their tax liabilities by electronic funds transfer beginning in October 1993. The law provides that the statutory thresholds are calculated by tax type. In other words, a taxpayer with both retailers' occupation tax liability and income tax liability will not have those tax liabilities combined when determining eligibility for the program. In addition, income tax withholding and a taxpayer's estimated income tax liabilities are separately considered in determining eligibility. The threshold for required participation in the program is to be phased~~

DEPARTMENT OF REVENUE

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- ~~in over a three year period.~~
- ~~b) Public Act 90-561 requires delivering suppliers of electricity and self-assessing purchasers of electricity with liabilities under the Electricity Excise Tax Law exceeding established thresholds to pay those liabilities to the Department by electronic funds transfer.~~
- a)e) Electronic funds transfer replaces the physical movement and handling of paper checks with electronic instructions to financial institutions to transfer funds between accounts of those making and receiving payments.
- b)d) Use of electronic funds transfer is intended to:
- 1) make the payment of taxes easier for taxpayers;
 - 2) enhance ~~Statestate~~ revenues through acceleration of the collection mechanism for taxes; and
 - 3) improve enforcement and compliance through the elimination of the delays and uncertainties which result from mailing and manually processing paper returns and tax payments.
- c) Taxpayers who are required to make tax payments to the Department and have reached the established thresholds for making those payments through the use of electronic funds transfer are required to make those payments to the Department through the use of electronic funds transfer. (See Section 750.300 of this Part.)
- d) Taxpayers, if accepted into the program by the Department, may voluntarily make tax payments to the Department through the use of electronic funds transfer for tax, fees, and other payments listed in Section 750.300 of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 750.300 Payments Required to be Paid by Electronic Funds Transfer

- a) Income tax payments
- 1) Beginning on October 1, 1993, certain withholding tax payments and estimated income tax payments will be required to be paid by electronic funds transfer. The threshold amounts are set by law, change over time, and are detailed below.
 - 2) *Beginning on October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more under Article 7 of the Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1993, a taxpayer who has an average quarterly estimated tax payment obligation of \$450,000 or more under Article 8 of the Act shall make all payments required by rules of the Department by electronic funds transfer. (Section 601.1 of the Illinois Income Tax Act [35 ILCS 5/601.1] ("the IITA"))*

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- A) Beginning on October 1, 1994, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average monthly liability of \$100,000, and, beginning on October 1, 1995, the threshold drops to an average monthly liability of \$50,000.
- B) Beginning on October 1, 1994, the threshold for taxpayers with liability for estimated tax payments under Article 8 of the IITA drops to an average quarterly estimated tax payment obligation of \$300,000 and, beginning on October 1, 1995, the threshold drops to an average quarterly estimated tax payment obligation of \$150,000.
- C) Beginning on October 1, 2000, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average annual liability of \$200,000 and the threshold for taxpayers with liability for estimated tax payments under Article 8 of the IITA drops to an average quarterly estimated tax payment obligation of \$50,000.
- D) *Beginning October 1, 2002, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. The term "annual tax liability" means the greater of the amount of the taxpayer's tax liability under Article 7 of the IITA for the immediately preceding calendar year or the taxpayer's estimated tax payment obligation under Article 8 of the IITA for the immediately preceding calendar year. [\[20 ILCS 2505/2505-210\]](#)*
- 3) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
- 4) Taxpayers over the statutory thresholds will only be required to make certain types of income tax payments by electronic funds transfer.
- A) Taxpayers with income tax withholding liabilities over the statutory thresholds shall make IL-501 payments by electronic funds transfer. All other withholding payments by those taxpayers shall be made by conventional means.
- B) Corporate taxpayers with estimated income and replacement tax liabilities over the statutory thresholds shall make IL-1120 ES payments and IL-505B payments by electronic funds transfer.
- C) Individual taxpayers with estimated income tax liabilities over the

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statutory thresholds shall make IL-1040ES and IL-505I payments by electronic funds transfer.

- D) Any other taxpayers not listed above who incur estimated income tax liabilities over the statutory thresholds will, upon contact by the Department, be required to make subsequent estimated payments by electronic funds transfer as directed by the Department.
- b) State and local occupation and use tax payments reported on Form ST-1, Sales and Use Tax Return
- 1) Beginning on October 1, 1993, the Department will require certain State and local occupation and use tax payments to be made by electronic funds transfer. Subsection (b)(34) below sets forth the types of payments that must be made by electronic funds transfer.
- A) *Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "average monthly tax liability", as used in this subsection (b), shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year, divided by 12. (Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3] ("the ROT"))*
- B) Beginning October 1, 1994, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$100,000.
- C) Beginning October 1, 1995, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$50,000.
- D) *Beginning October 1, 2000, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. [35 ILCS 120/3]*
- E) *Beginning October 1, 2002, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liability reported on that taxpayer's Form ST-1, Sales and Use Tax Return [20 ILCS*

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2505/2505-210].

- 2) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
 - 3) Taxpayers over the statutory thresholds will only be required to make RR-3 sales tax accelerated quarter-monthly payments, ST-1 return payments, PST-1 return payments and PST-3 return payments by electronic funds transfer. Any other payments that accompany a tax return (for example, ST-1-X return payments, 556 return payments, etc.) may not be paid by electronic funds transfer.
- c) Electricity Excise Tax payments
- 1) Beginning October 1, 1999, each delivering supplier or self-assessing purchaser whose average monthly liability under the Electricity Excise Tax Law was \$10,000 or more is required to make all payments by electronic funds transfer. The calculation to determine the average monthly liability is made by taking the sum of the liabilities of the delivering supplier or self-assessing purchaser for the immediately preceding calendar year and dividing by the number 12.
 - 2) The Department will calculate the delivering supplier's or self-assessing purchaser's average monthly liability for calendar year 1998, and only for calendar year 1998, by taking the sum of the delivering supplier's or self-assessing purchaser's liabilities for the last 5 months of calendar year 1998 and dividing by the number 12.
 - 3) Beginning October 1, 2002, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. The term "annual tax liability" means the sum of the taxpayer's liabilities for the immediately preceding calendar year. [20 ILCS 2505/2505-210].
- d) Other tax payments
- Beginning on October 1, 2002, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. Before August 1 of each year, beginning in 2002, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1. [20 ILCS 2505/2505-210] This applies to all taxes administered by the Department except the Motor Fuel Tax and the Environmental Impact Fee.*

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Electricity Distribution Tax
Gas Revenue Tax
Invested Capital Taxes
Tobacco Products Tax
Bingo Tax
Charitable Games Tax
Coin Operated Amusement Device Tax
Dry Cleaning Solvent Tax
Pull Tabs & Jar Games Tax
County Motor Fuel Tax
Automobile Rental Occupation and Use Taxes
Metropolitan Pier and Exposition Authority Tax
Telecommunications Excise Tax (however, see subsection (i) for more restrictive requirements effective January 1, 2003)

- e) Liquor Revenue Tax Payments
Beginning on January 1, 2003, a taxpayer who has an annual tax liability of \$200,000 or more in the immediately preceding calendar year shall make all payments of that tax to the Department by electronic funds transfer.
- f) Cigarette and Cigarette Use Tax Payments
1) Beginning on January 1, 2003 each distributor who has an annual tax liability of \$200,000 in the immediately preceding calendar year must pay for its cigarette revenue tax stamps by means of electronic funds transfer.
2) Beginning on January 1, 2003 each distributor who pays for cigarette revenue tax stamps with a postdated draft shall pay such draft by means of electronic funds transfer. [35 ILCS 135/3]
h)3) Distributors who purchase cigarette revenue tax stamps and are required to pay for these stamps using EFT must pay for their purchases using the ACH debit method. The ACH credit method is not available to taxpayers who are purchasing cigarette tax stamps using EFT.
- g) Hotel Operators' Occupation Tax Payments
Beginning on January 1, 2003, a taxpayer who has an annual tax liability of \$200,000 or more in the immediately preceding calendar year of Hotel Operators' Occupation Tax shall make all payments of that tax to the Department by electronic funds transfer.
- h) Soft Drink Tax Payments
Beginning on January 1, 2003, a taxpayer who has an annual tax liability of \$200,000 or more in the immediately preceding calendar year of taxes imposed under 8-11-6b of the Illinois Municipal Code [65 ILCS 5/8-11-6b] shall make all payments of that tax to the Department by electronic funds transfer.

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- i) Telecommunications Excise Tax and Simplified Municipal Telecommunications Tax Payments
Beginning on January 1, 2003, a taxpayer who has an average monthly tax liability of the taxes imposed under the Telecommunications Excise Tax Act and the Simplified Municipal Telecommunications Tax Act of \$1,000 or more for the immediately preceding calendar year shall make all payments of those taxes to the Department by electronic funds transfer [35 ILCS 630/6].

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 750.500 Voluntary Program Participation

- a) Any taxpayer who is not required to make estimated or accelerated payments by electronic funds transfer is encouraged to seek the permission of the Department to make payments by electronic funds transfer.
- b) Taxpayers who wish to voluntarily participate in the electronic funds transfer program must file an application for participation with the Department. Taxpayers should be aware that it will generally take a minimum of 60 days for the Department to process a request for voluntary participation in the electronic funds transfer program.
- c) In determining whether to grant or deny an application for participation, the Department will consider the filing and payment history of the taxpayer, the average amount of payments made by the taxpayer and the cost to the Department of the taxpayer's participation in the program versus the cost to the Department of processing traditional forms of payment from the taxpayer.
- d) Once an applicant has been approved as a voluntary participant, all required payments must be made by electronic funds transfer for the next twelve months. Voluntary participants may not switch back and forth between electronic funds transfer and payment by check or draft. Failure to pay by the due date by electronic funds transfer may be grounds for dismissal from voluntary participation in the program.
- e) The Department is accepting voluntary electronic funds transfer payments of the following taxes and fees:

ART-1, Automobile Rental Occupation and Use Tax Return (payment only, beginning October 1, 2002)

CMFT-1, County Motor Fuel Tax Return (payment only, beginning October 1, 2002)

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ICT-1, Electricity Distribution and Invested Capital Tax Estimated Payment

ICT-4, Electricity Distribution and Invested Capital Tax Return (payment only)

IL-501, Illinois Withholding Tax Payment

IL-~~505501~~-I, Automatic Extension Payment for Individuals

IL-505-B, Payment of Automatic Extension (for corporations, small business corporations, partnerships, fiduciaries, or exempt organizations)

IL-1040-ES, Estimated Income Tax Payment for Individuals

IL-1120-ES, Estimated Income and Replacement Tax Payment for Corporations

PST-1, Prepaid Sales Tax Return (payment only)

PST-3, Prepaid Sales Tax Quarter-Monthly Payment (for accelerated sales tax filers)

RG-1, Gas Revenue Tax Return (payment only)

RPU-13, Electricity Excise Tax Return (payment only)

RPU-50, Quarter-Monthly Payment – Electric, Gas, Telecommunications Excise Tax, and Telecommunications Infrastructure Maintenance Fee

RR-3, Sales and Use Tax Quarter-Monthly Payment (for accelerated sales and use tax filers)

RT-2, Telecommunications Excise Tax Return (payment only)

RT-10, Telecommunications Infrastructure Maintenance Fee Return (payment only)

RL-26, Liquor Revenue Return (payment only, beginning January 1, 2003)

RL-26-A, Liquor Revenue Airline Return (payment only, beginning January 1, 2003)

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RHM-1, Hotel Operators' Occupation Tax Return (payment only, beginning January 1, 2003)

ST-1, Sales and Use Tax Return (payment only)

ST-4, MPEA Food and Beverage Tax Return (payment only, beginning October 1, 2002)

ST-14, Chicago Soft Drink Tax Return (payment only, beginning January 1, 2003)

TP-1, Tobacco Products Tax Return (payment only, beginning October 1, 2002)

Cigarette Tax and Cigarette Use Tax payments (beginning January 1, 2003)

- f) The Department reserves the right to terminate the participation of any voluntary electronic payer who fails to meet the requirements, specifications, and procedures stated in this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 750.600 Methods of Electronic Funds Transfer Payment

- a) There are two primary methods for payment by electronic funds transfer under the program, along with one emergency backup method. These methods are ACH Debit, ACH Credit and Fedwire. Taxpayers may use either the ACH Debit or Credit methods for payment. Taxpayers who are required to pay or voluntarily pay Cigarette Tax or Cigarette Use Tax using EFT must pay their tax liability using an ACH debit payment. Fedwire is only offered as an emergency backup method of payment.
- b) Taxpayers who choose or are required to ~~To~~ use the ACH Debit ~~debit~~ option ~~taxpayers must~~ use one of the following methods:
- 1) Place ~~place~~ a toll-free call to the Department's data collection service and provide the appropriate account number and required tax payment information. The data collection service will then provide the taxpayer with a unique "confirmation number" to acknowledge the call. The call must be placed by 3:30 pm Central Standard Time at least one day prior to the due date for the payment. The data collection service will initiate the ACH Debit ~~debit~~ to the taxpayer's account the same day the taxpayer calls the Department, except in the case of ACH warehousing by the data

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collection service, which will be initiated the working day prior to the due date, and a credit to the Department's account will be made the following day. When a taxpayer chooses this payment option, the Department will provide the taxpayer with a detailed set of technical instructions related to the payment mechanism.

- 2) ACH Debits initiated via electronic data transfer (modem-to-modem) must be acknowledged as accepted before 12:00 p.m. (Noon – central time) on the last business banking day prior to the due date of the payment.
 - 3) Taxpayers that are purchasing cigarette tax revenue stamps will not need to place a call to the Department's data collection service. However, a debit authorization form provided by the Department must accompany the purchase order invoice. The Department will then initiate all ACH debits for taxpayers who are required to use EFT when purchasing cigarette tax stamps and who provide the Department with their debit authorization.
 - 4) Taxpayers who electronically file their tax return may include an ACH Debit record with the transmission.
- c) To use the ACH ~~Credit~~ credit option, the taxpayer initiates a credit by instructing its bank to transfer the tax due from the taxpayer's account to the Department's account. The taxpayer's bank will then insert a "trace number" into the payment transaction to be used as a payment verification. In addition to the payment amount, taxpayer account posting information is sent with the funds transfer using the TXP convention. This is a standard format developed for use by all states accepting tax payments by means of ACH ~~Credit~~ credit. A copy of the TXP convention is provided as a portion of the technical instructions provided to taxpayers making payment in this form.
- 1) The ACH ~~Credit~~ credit must be initiated at least one day prior to the due date of the payment so the funds are available on the due date of the payment, or earlier if required by the taxpayer's bank so the funds are available on the due date.
 - 2) Before choosing this option on the registration form, a taxpayer should contact its bank to determine what ACH services are offered by the bank.
 - 3) This option is not authorized for taxpayers that purchase cigarette tax stamps.
- d) The Fedwire option for payment is offered by the Department only as a backup method. If for some reason a taxpayer is unable to initiate an ACH ~~Debit~~ debit or ACH ~~Credit~~ credit one day prior to the due date of the tax, Fedwire is the only electronic alternative method available to avoid late payment penalties and interest. If this backup method is used, the taxpayer's bank must initiate the Fedwire by noon Central Standard Time on the tax due date.
- 1) Fedwires have costs associated with them for both the initiator and the

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- receiver. A taxpayer using this option will be required to pay the initiator's fee, and the receiver fee will be charged to the Department.
- 2) To effectively credit the payment information to the taxpayer's account, the Department's standard Fedwire format (the Department requires the same data as the TXP convention) information should be entered by taxpayer's bank as part of the Fedwire transaction. The taxpayer's bank should provide taxpayer with a paper copy of the transmission for taxpayer's records. A copy of the Department's standard Fedwire format is included in the technical instructions provided all program participants.
 - 3) Fedwire is not a routine electronic funds transfer option. If a taxpayer uses this emergency backup option, taxpayer must contact the Department by telephone in advance to provide notification of the emergency situation.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 750.700 Payment Transmission Errors

- a) If a taxpayer does not make a correct payment of tax for a particular period, such taxpayer shall, on the nearest business day to the date on which the error is discovered, contact the Department's Electronic Funds Transfer EFT unit.
- b) If the taxpayer error involves an underpayment of tax, the taxpayer must make appropriate arrangements to initiate payment for the amount of the underpayment and penalties and interest.
- c) A failure to initiate ~~make~~ an electronic funds transfer payment so that it settles on or before the due date because of circumstances under the taxpayer's control, including but not limited to insufficiency of funds in the taxpayer's account or a direct payment to the Department using an unauthorized payment method, may result in either the loss of discount, the imposition of penalties and interest, or both.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Electronic Filing of Returns or Other Documents
- 2) Code Citation: 86 Ill. Adm. Code 760
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
760.100	Amendment
760.110	Amendment
760.120	Repealed
760.200	Amendment
760.210	Amendment
760.220	Amendment
760.230	Amendment
760.240	Amendment
760.300	Amendment
760.310	Amendment
760.320	Amendment
760.330	New Section
- 4) Statutory Authority: 20 ILCS 2505/2505-200
- 5) A Complete Description of the Subjects and Issues Involved:

These regulations implement changes in the Department's electronic filing program. They reflect the provisions of Public Act 92-393, which authorizes taxpayers under the Liquor Control Act of 1934 to file electronic returns, and the provisions of Public Act 92-526, which requires persons meeting specific monetary thresholds under the Simplified Telecommunications Tax to file returns electronically. The regulations explain policies and procedures which apply to both mandatory electronic filers and taxpayers that voluntarily file returns electronically. The regulations implement provisions of Public Act 92-322 which authorize the Department to require that cigarette manufacturers and distributors provide schedule support data on computer-generated magnetic media. These regulations impose this requirement on taxpayers with 30 or more invoice transactions per month who do not voluntarily file returns and schedules by electronic means. The regulations also specify that taxpayers under the Liquor Control Act of 1934 may file returns and schedules using magnetic media, but provides that participants doing so are not entitled to the retailer's discount. The regulations have been updated to reflect current procedures and nomenclature that has developed since these regulations were first promulgated.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Jerilynn Troxell Gorden
Senior Counsel, Sales & Excise Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: These regulations affect small businesses that are either mandatory or voluntary electronic filers.
- B) Reporting, bookkeeping or other procedures required for compliance: These regulations impose new mandatory electronic filing requirements, and explain the Department's policies for those electing to file electronically. Familiarity with electronic filing procedures is required.
- C) Types of professional skills necessary for compliance: Computer skills; tax preparation skills.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 760

ELECTRONIC FILING OF RETURNS OR OTHER DOCUMENTS

Section

760.100	Electronic Returns
760.110	Exclusions from Electronic Filing
760.120	Where to Send Electronic Returns
760.200	Ways to Participate in Electronic Filing
760.210	<u>Enrollment in the Electronic Filing Program</u> Application and Registration for Electronic Filing
760.220	Electronic Payment Required
760.230	Electronic Signatures
760.240	Due Dates and Date Received
760.300	Responsibilities of Electronic Filers
760.310	Filing Acknowledgments
760.320	Electronic Payment Acknowledgments
<u>760.330</u>	<u>Termination of Voluntary Participants</u>

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

SOURCE: Adopted at 22 Ill. Reg. 14905, effective August 3, 1998; amended at 26 Ill. Reg. _____, effective _____.

Section 760.100 Electronic Returns

- a) The Department has mandatory electronic filing programs and voluntary programs ~~created a voluntary electronic filing program under this Part~~ for certain returns and other documents that are required to be filed with the Department. Upon acceptance into the program, the returns, schedules, attachments, and other documents listed in this Section may be electronically filed with the Department.
- b) An electronic return or other document consists of data transmitted to the Department electronically, and may include paper documents that contain information that ~~which~~ cannot be electronically transmitted or are requested for verification. In total, electronic returns must contain the same information as traditionally filed paper documents.

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- c) Mandatory Programs ~~The following forms and schedules can be transmitted electronically under the provisions of this Part:~~
- 1) Beginning January 1, 2003, telecommunications providers who have average monthly tax billings for the immediately preceding calendar year that exceed \$1000 must file their tax returns and supporting schedules electronically. Paper documents that contain information that cannot be electronically provided or are requested for verification must be mailed to the Department. The following circumstances require paper documentationForm ST-1 Sales and Use Tax Return; and
 - A) When a final return is electronically filed, the taxpayer must also mail a statement explaining the reasons for a final return (e.g., business sold or discontinued).
 - B) When a return and payment are made in protest in accordance with Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1], the corresponding notice must be mailed to the Department.
 - C) When the taxpayer wishes to notify the Department of a change of address, the taxpayer must notify the Department by telephone or by mailing such change to the Department.
 - 2) Beginning January 1, 2003, cigarette distributors with 30 or more invoice transactions per month and who are not voluntarily filing returns and schedules by electronic means are required to file supporting schedule data with the Department on computer-generated magnetic media in a format prescribed by the Department. ~~Form ST-2 Multiple Site attachment for Form ST-1~~
- d) Voluntary Programs
- 1) Taxpayers may volunteer to participate in any electronic filing program currently in effect for mandatory electronic filers.
 - 2) Form ST-1, Sales and Use Tax Return, and Form ST-2, Multiple Site attachment for Form ST-1, can be transmitted electronically under the provisions of this Part.
 - 3) Beginning January 1, 2003, original or amended liquor tax returns and schedules for Liquor Tax participants may be filed electronically under the provisions of this Part.
 - A) Paper documents that contain information that cannot be electronically provided or are requested for verification must be mailed to the Department. They include:
 - i) Copies of schedules, invoices or bills of lading requested for verification in accordance with Section 8-2 of the Liquor Control Act of 1934 [235 ILCS 5/8-2].

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- ii) Non-Beverage User permits.
 - B) Beginning January 1, 2003, persons filing liquor tax returns and schedules electronically must also make payments by means of electronic funds transfer. See Section 760.220 of this Part. By doing so, the taxpayer is entitled to a discount of 1.75% of the tax due, or \$1,250, whichever is less, provided that the electronic return and payment are made timely in accordance with this Part.
 - C) Liquor tax participants may file their returns and schedules using magnetic media in a format prescribed by the Department. Liquor tax participants that file returns and schedules on magnetic media are not entitled to the discount provided for in subsection (d)(3)(B) of this Section
- 4) Beginning January 1, 2003, original or amended cigarette tax returns and schedules for Cigarette Tax participants may be filed electronically under the provisions of this Part.
- 5) Illustrations of When Paper Documents Must Be Filed
 - A) In the event a final return is electronically filed, the taxpayer must also mail a statement explaining the reasons for a final return (e.g., business sold or discontinued).
 - B) In the event a return and payment are made in protest in accordance with Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1], the corresponding notice must be mailed to the Department.
 - C) In the event the taxpayer wishes to notify the Department of a change of address, the taxpayer must notify the Department by telephone or by mailing such change to the Department.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 760.110 Exclusions from Electronic Filing

All of the ~~The~~ following types of returns and documents are excluded from electronic filing under this Part:

- a) Returns from individuals or organizations who have not been accepted as participants in the electronic filing program set forth in this Part;
- b) For sales tax participants, returns ~~Returns~~ requiring forms or schedules not listed in Section 760.100(d)(2) of this Part;
- c) ~~Any other return, form, or other document not listed in Section 760.100(e) of this Part; and~~
- d) Any return, form, or other document wherein electronic filing of those documents

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~~is provided for in Part 105, Electronic Filing of Illinois Individual Income Tax Returns For Liquor Tax participants, any return, schedule or other document listed in Section 760.100(d)(3)(A)(i) through (ii) of this Part or that is not required by Section 8 of the Liquor Control Act of 1934 [235 ILCS 5/8]; or Any return, form, or other document wherein electronic filing of those documents is provided for in Part 105, Electronic Filing of Illinois Individual Income Tax Returns.~~

- e) Any documents listed in Section 760.100(c)(1)(A) through (C) and Section 760.100(d)(5)(A) through (C) of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 760.120 Where to Send Electronic Returns (Repealed)

~~Electronic returns, attachments, forms, and any other electronic documents that are being electronically filed pursuant to this Part must be transmitted to the Department as follows:~~

- a) ~~Participants transmitting directly to the Department must transmit to the communications processor at the Illinois Department of Revenue in Springfield, Illinois. The telephone number will be provided to accepted participants.~~
- b) ~~Participants transmitting to the Department through the use of a value added network (VAN) must transmit to a VAN used by the Department, or to a VAN which has an interconnect with such a VAN.~~

(Source: Repealed at 26 Ill. Reg. _____, effective _____)

Section 760.200 Ways to Participate in Electronic Filing

Electronic filers can choose to perform all of the functions themselves that are associated with electronic filing, or they can choose to use the services of another accepted electronic filer (third party) to participate in the electronic filing program. For example:

- a) A participant can be a taxpayer who prepares the electronic return or other document and transmits it directly to the Department ~~or a VAN~~ using software developed by the taxpayer or a software provider.
- b) A participant can be a taxpayer who uses the services of a service group or other third party to prepare the electronic return or other document to provide or transmit and transmit it to the Department ~~or a VAN~~.
- c) A participant can be a third party transmitter who takes prepared returns or other documents from taxpayers or service groups and transmits them to the Department ~~either directly or through the use of a VAN~~.
- d) A participant can be a service group or other third party who prepares electronic returns or other documents and transmits them to the Department ~~either directly or~~

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- ~~through the use of a VAN.~~
- e) A participant can be a software developer who:
- 1) develops software to format return information to conform with the Department specifications; and/or
 - 2) develops software to transmit to the Department ~~either directly or through the use of a VAN.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 760.210 Enrollment in the Electronic Filing Program ~~Application and Registration for Electronic Filing~~

- a) ~~All taxpayers that file electronically or on magnetic media must complete an enrollment form to file electronically or on magnetic media. Application to participate in the electronic filing program provided for in this Part must be made by completing and signing the enrollment form prescribed by the Department. Application to participate in the electronic filing program provided for in this Part must be made by completing and signing Form EDI-1, Registration for Electronic Data Interchange. The Form EDI-1 must be mailed to the Department at the following address:~~
- ~~Electronic Filing
Illinois Department of Revenue
101 West Jefferson
Springfield, IL 62702~~
- b) ~~Voluntary participants~~ Participants are required to make return payments by electronic means for returns that are filed electronically with the Department. See Section 760.220 of this Part.
- c) Participants that are transmitting directly to the Department or otherwise providing electronic returns or other documents to the Department, as well as ~~and~~ software developers, must successfully complete testing with the Department in order to be accepted into the electronic filing program.
- d) Taxpayers that use service groups or other third parties or agents to file returns or other documents electronically remain responsible for completing their own enrollment ~~registration~~ form. Service groups or other third parties or agents cannot complete or sign the enrollment form ~~registration~~ on behalf of a taxpayer.
- e) Participants must submit a revised enrollment form ~~Form EDI-1~~ to the Department to update the information ~~contained on their most current Form EDI-1~~ when there are changes involving:

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- 1) the taxpayer's name, the firm name, or doing business as (DBA) name(s);
 - 2) any address, telephone or contact representative;
 - 3) Federal Employer's Identification Number (FEIN), Social Security Number (SSN), or Illinois Business Tax number (IBT);
 - 4) the electronic filing functions performed; or
 - 5) the taxpayer's electronic signature ~~e-signature code~~.
- f) The Department reserves the right to limit the number of participants in any voluntary ~~this~~-electronic filing program.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 760.220 Electronic Payment Required

- a) Taxpayers who voluntary choose to electronically file returns and other documents with the Department under the provisions of this Part must make any required payments relating to those returns or documents through electronic means. The methods of electronic payment that can be utilized are as follows:
 - 1) Electronic payment by electronic funds transfer under the Electronic Funds Transfer Program described in 86 Ill. Adm. Code 750. Liquor tax participants that submit their return and schedules on approved magnetic media must utilize this method;
 - 2) Electronic payment by including payment data as part of an EDI 813 Electronic Filing of Tax Return Data transaction set (see Section 760.320 of this Part). This method is only available for sales tax participants; or
 - 3) Electronic payment by including payment data in an EDI 820 Payment Order/Remittance Advice transaction set (see Section 760.320 of this Part). This method is only available for sales tax participants;
 - 4) Electronic payment by including payment data as part of the electronic transmission of the return and schedule data; or
 - 5) Electronic payment by including payment data in an electronic transmission that is separate from the return and schedule transmission.
- b) Regardless of the electronic payment method selected, taxpayers must complete and submit Form EFT-1, Authorization Agreement for Electronic Funds Transfer, as part of the ~~EDI~~-electronic filing enrollment registration-process, along with the appropriate electronic filing enrollment form. This is required unless a participant is already enrolled to make payments in the Department's Electronic Funds Transfer Program for the returns or other documents listed in Section 760.100(c) or (d) of this Part. Form EFT-1 must be completed and submitted with the appropriate enrollment form ~~Form EDI-1 application~~ for electronic filing.
- c) Taxpayers making electronic payments must initiate the transfer so that the

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amount due is deposited as collected funds to the Department's account on or before the due date under the appropriate tax Act. Taxpayers are reminded that the provisions of Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25] do not apply to payments made by electronic means as those payments are not transmitted by mail.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 760.230 Electronic Signatures

- a) Taxpayers must select their electronic signature, as outlined by the Department on the electronic filing enrollment form ~~own signature code (personal identification code) on Form EDI-1~~, and the taxpayer or authorized officer or other individual responsible for filing the returns or other documents must properly sign the electronic filing enrollment form ~~Form EDI-1~~.
- b) The taxpayer's electronic signature ~~signature code~~ is to be used in lieu of a written signature when filing electronic returns, forms, or other documents with the Department.
- c) The effect of including a valid electronic signature ~~signature code~~ as part of a transaction transmission has the same legal effect as the taxpayer having signed the returns or other documents that are in that transaction transmission.
- d) Electronically transmitted returns and other documents will be considered unsigned unless the taxpayer's registered electronic signature ~~signature code~~ is included, and received by the Department, as part of that ~~transaction~~ transmission.
- e) An electronic signature ~~A signature code~~ is considered to be valid once it is registered by the Department until it expires or any of the following occurs:
 - 1) The Department receives a written request from the taxpayer to have that taxpayer's electronic signature ~~signature code~~ invalidated. To continue electronic filing under this Part, the taxpayer must submit a revised electronic filing enrollment form ~~Form EDI-1~~ and select a new electronic signature ~~signature code~~.
 - 2) The taxpayer files a revised enrollment form ~~Form EDI-1~~ and has selected a new electronic signature ~~signature code~~ on that form.
 - 3) The taxpayer notifies the Department that the electronic signature ~~signature code~~ has been compromised. To continue electronic filing under this Part, the taxpayer must submit a revised enrollment form ~~Form EDI-1~~ and select a new electronic signature ~~signature code~~.
 - 4) The revocation or suspension of the taxpayer's electronic signature authorization
- f) For electronic returns and other documents authorized to be filed under Section

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760.100(c) of this Part, a registered ~~electronic signature signature code~~ is valid until the expiration of the corresponding certificate of registration or other certification issued ~~to the taxpayer~~ by the Department ~~to the taxpayer, or, in the case of Liquor Tax, the license issued to the taxpayer by the Illinois Liquor Control Commission. The Department will notify the taxpayer at the time of expiration.~~ At that time, the taxpayer must either reconfirm the ~~electronic signature signature code~~ previously selected or select a new ~~electronic signature signature code~~. Upon the expiration of ~~an electronic signature a signature code~~, any electronically transmitted return and other documents containing the expired ~~electronic signature code~~ will be considered unsigned.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 760.240 Due Dates and Date Received

- a) When the statutory due date for filing a return and other document or making payment with the Department falls on a weekend or a banking holiday observed by the State of Illinois, the Department will accept the electronic return or other document and the payment on the next business day. Electronic filers are responsible for timely initiating the transaction to assure the return and other document is received by, and the ~~fund payment~~ made available to, the Department on the day following the weekend or banking holiday.
- b) When the statutory due date for filing or payment is the next day following a weekend or observed banking holiday, electronic filers are responsible for initiating the transaction prior to or on the last business day before the weekend or banking holiday, to assure the return and other document is received by, and the payment made available to, the Department by the due date.
- c) The receipt date of the electronic transmission will constitute the receipt date of the electronic return or other document ~~(except debit authorization)~~ if the transmission is acknowledged as accepted, or accepted with error, with a detailed acknowledgment from the Department as provided in Section 760.310. Any return ~~or other document, including debit authorization,~~ acknowledged as rejected with a functional or detailed acknowledgment will be considered not filed. The receipt date of the electronic transmission will be when the telephone transmission ends for participants transmitting directly to the Department.
~~The receipt date of the electronic transmission will be:~~
 - 1) ~~when the telephone transmission ends for participants transmitting directly to the Department; and~~
 - 2) ~~when the transmission is deposited into the Department's electronic mailbox for participants that are using VANs.~~

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- d) The receipt date for electronic payment will be the date the payment is actually deposited as collected funds to the Department's account.
- e) In the case where a taxpayer submits a return or other document on approved magnetic media in accordance with this Part, Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25], which provides that a return or other document transmitted through the United States mail is deemed filed with or received by the State on the date shown by the post office cancellation mark stamped upon the envelope or other wrapper containing it, applies only to the receipt of the return filed on diskette or other approved magnetic media.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 760.300 Responsibilities of Electronic Filers

- a) All electronic filers must comply with all of the requirements and specifications set forth in this Part, and in the Department's implelmentation guides for electronic filing and booklets regarding procedures for electronic filing for the appropriate tax booklets EDI 2, Implementation Guide for Electronic Filing, and EDI 2-A, Procedures for Electronic Filing.
- b) Taxpayers filing electronically, on approved magnetic media, or using Electronic Data Interchange (EDI) must keep records equivalent to the level of detail contained in an acceptable paper record. For example, see 86 Ill. Adm. Code 130.801, 130.805, ~~and 130.825~~, 420.90, 440.10 and 450.50.
- c) Electronic filers are responsible for ensuring that electronic returns or other electronic documents and payments are filed with or paid to the Department in a timely manner as provided in Section 760.240 of this Part.
- d) Electronic filers are responsible for ensuring the security and confidentiality of all transmitted data ~~until it has been received directly by the Department, or received by a VAN the Department is using.~~
- e) Electronic filers must not use software that has a Department assigned production password built into the software.
- f) Electronic filers cannot recall or intercept electronically filed returns or other documents after they have been acknowledged as accepted with a detailed acknowledgment from the Department. ~~If the taxpayer wishes to amend any accepted electronically filed return, the corresponding paper amended return form must be filed with the Department.~~
- g) Electronic filers must make transmissions and retrieve acknowledgments in a timely manner. Acknowledgment files will normally be available from the Department within 24 hours after the transmission is received.
- h) Electronic filers must match acknowledgment files to the original transmission

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files. Returns or other documents acknowledged as accepted with a detailed acknowledgment from the Department as provided in Section 760.310 of this Part will be considered filed ~~returns~~. Returns or other documents acknowledged as rejected must be corrected and retransmitted, ~~if possible. Returns that cannot be retransmitted must be timely filed on the corresponding paper form.~~

- i) Electronic filers must immediately contact the Department Electronic Filing office if an acknowledgment has not been available after 36 hours from the transmission of the return.
- j) Electronic filers must contact the Department Electronic Filing office for assistance if returns or other documents have been rejected after three attempts, or if acknowledgments are received for returns or other documents that were not in the original transmissions.
- k) Taxpayers are responsible for retaining copies of all the acknowledgment files received from the Department or third party transmitters. These may be retained on magnetic media. Taxpayers must retain all copies of the acknowledgment files received from the Department for as long as the taxpayer would be required to keep tax records in a paper format.
- l) Electronic filers who provide transmission services to other electronic filers must:
 - 1) Accept electronic returns or other documents for direct ~~or VAN~~ transmission to the Department only from electronic filers accepted in this program;
 - 2) Provide each of their clients with the acknowledgment files for their transmissions within 24 hours after the availability of the acknowledgment from the Department; and
 - 3) Retain copies of all acknowledgment files received from the Department for one year from the date of receipt. These may be retained on magnetic media.
- m) Electronic filers who are software developers must:
 - 1) Correct any software errors quickly to assure timely transmission of electronic returns or other documents;
 - 2) Expediently distribute any corrections to all electronic filers utilizing the software; and
 - 3) Not incorporate into its software a Department assigned production password.
- n) If the taxpayer wishes to amend any accepted electronically filed return, the corresponding paper amended return form must be filed with the Department except for the following:
 - 1) Amended Telecommunications Tax returns
 - 2) Amended Cigarette Tax and Cigarette Use Tax returns.
 - 3) Amended Liquor Tax returns.

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(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 760.310 Filing Acknowledgments

- a) Each file of electronic returns or other documents transmitted to the Department will normally be acknowledged within 24 hours after receipt.
- b) The acknowledgement file identifies which returns or other documents have been accepted or rejected. The acknowledgement files must be retrieved within five days.
- c) If the acknowledgment file is not available within 36 hours, or if acknowledgments are received for returns or other documents that were not transmitted within the designated transmission, immediately contact the Department.
- d) The transmitter should match the acknowledgement file back to the original file transmitted.

NOTE: Any transmitted electronic return or other document that is acknowledged as rejected by the Department will not be considered filed.

- e) When a return or other document has been rejected after three attempts, contact the Department and assistance will be provided.
- f) For sales tax participants, the Department will provide two different levels of acknowledgments for filing electronic returns and other electronic documents with the Department. The acknowledgments are referred to as the 997 – Functional Acknowledgment and the 151 – Electronic Filing of Tax Return Data Acknowledgment. These acknowledgments are based upon transaction sets developed and approved for Electronic Data Interchange (EDI) by the American National Standards Institute's Accredited Standards Committee X12.

1)1) The first level of acknowledgment is the 997 – Functional Acknowledgment. This acknowledgment determines whether the electronic transmission contains any syntax errors at any level.

A)1) If the 997 acknowledgment designates rejection, the entire transmission is rejected and all the transaction sets (electronic documents and payment data) contained in the transmission are considered not filed.

B)2) If the 997 acknowledgment designates acceptance, this is only evidence that the Department received a transmission from the sender. The 997 acknowledgment is not a detailed acknowledgment of the electronic documents contained in the transmission. Receipt of a 997 designating acceptance does not mean that included transaction sets (electronic documents or

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payment data) are accepted for processing or that they are considered filed.

~~C)3)~~ If the 997 acknowledgment designates acceptance, the individual transaction sets (electronic documents and payment data) may still be rejected later in the processing of the transmission. NOTE
Note: Only a 151 acknowledgment (described below) designating acceptance will mean the transaction sets are considered filed and will be processed.

~~2)e)~~ The second level of acknowledgment is the 151 – Electronic Filing of Tax Return Data Acknowledgment. If the 997 acknowledgment designates acceptance, a 151 acknowledgment will be provided for each 813 – Electronic Filing of Tax Return Data transaction set contained in that transmission. The 151 acknowledgment is a detailed acknowledgment of the electronic return or document included in that 813 transaction set.

~~A)4)~~ If the 151 – Electronic Filing of Tax Return Data Acknowledgment designates an 813 – Electronic Filing of Tax Return Data transaction set is rejected, the electronic return or document represented by that 813 transaction set is considered not filed, and any payment authorization included will not be processed.

~~B)2)~~ If the 151 – Electronic Filing of Tax Return Data Acknowledgment designates an 813 – Electronic Filing of Tax Return Data transaction set is accepted, the electronic return or document represented by that 813 transaction set will be considered filed.

~~C)3)~~ If the 151 – Electronic Filing of Tax Return Data Acknowledgment designates an 813 – Electronic Filing of Tax Return Data transaction set is accepted, and that 813 also includes a payment authorization, the presence of a confirmation number in the 151 will indicate that the payment authorization has also been accepted for processing. If the 151 does not contain a confirmation number, it means the payment authorization will not be processed, although the electronic return or other document has been accepted.

~~g)~~ The Department will not send electronic acknowledgments for returns or other documents that are submitted to the Department on magnetic media.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 760.320 Electronic Payment Acknowledgments

a) This Section does not apply to electronic payments by electronic funds transfer under the Electronic Funds Transfer Program described in 86 Ill. Adm. Code 750.

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- b) The Department will normally provide acknowledgements for all electronic payments within 24 hours after receipt.
- ~~c~~b) For Sales Tax Participants
- 1) The Department will provide two different levels of acknowledgments for electronic payments. The first level of acknowledgment is the 997 – Functional Acknowledgment. The second level of acknowledgment is either the 151 – Electronic Filing of Tax Return Data Acknowledgment (for electronic payment data included in an 813 transaction set) or the 824 – Application Advice (for detailed acknowledgment of each 820 – Payment Order/Remittance Advice transaction set). These acknowledgments are based upon transaction sets developed and approved for Electronic Data Interchange (EDI) by the American National Standards Institute's Accredited Standards Committee X12.
- 2)e) The first level of acknowledgment is the 997 – Functional Acknowledgment. This acknowledgment determines whether the electronic transmission contains any syntax errors at any level.
- ~~A)1~~) If the 997 acknowledgment designates rejection, the entire transmission is rejected and all the transaction sets (electronic documents and payment information) contained in the transmission are considered not received.
- ~~B)2~~) If the 997 acknowledgment designates acceptance, this is only evidence that the Department received a transmission from the sender. The 997 acknowledgment is not a detailed acknowledgment of the electronic documents or payment information contained in the transmission. Receipt of a 997 designating acceptance does not mean that included transaction sets (electronic documents or payment data) are accepted for processing or that they are considered filed or received.
- 3)d) The second level of acknowledgment is dependent upon whether the taxpayer has chosen to include the electronic payment data as part of the 813 – Electronic Filing of Tax Return Data transaction set or has chosen to send the payment data in a separate transaction as an 820 – Payment Order/Remittance Advice transaction set.
- 4)e) For taxpayers that have chosen to include the electronic payment data as part of the 813 – Electronic Filing of Tax Return Data transaction set and have had the 997 acknowledgment designate acceptance, a 151 acknowledgment will be provided for each 813 transaction set contained in that transmission. The 151 acknowledgment is a detailed acknowledgment of the electronic return and payment data included in that 813 transaction set.

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~~A)1)~~ If the 151 – Electronic Filing of Tax Return Data Acknowledgment designates an 813 – Electronic Filing of Tax Return Data transaction set is rejected, the electronic return and payment data represented by that 813 transaction set is considered not received.

~~B)2)~~ If the 151 – Electronic Filing of Tax Return Data Acknowledgment designates an 813 – Electronic Filing of Tax Return Data transaction set is accepted, and the 151 also contains a confirmation number, the electronic return and payment data represented by that 813 transaction set will be considered received, and will be processed. If the 151 does not contain a confirmation number, it means the payment authorization will not be processed, although the electronic return or other document has been accepted.

~~5)4)~~ For taxpayers that have chosen to send the payment data in a separate transaction as an 820 – Payment Order/Remittance Advice transaction set and have had the 997 acknowledgment designate acceptance, an 824 – Application Advice acknowledgment will be provided for each 820 transaction set contained in that transmission. The 824 acknowledgment is a detailed acknowledgment of the payment data included in that 820 transaction set.

~~6)g)~~ The 820 – Payment Order/Remittance Advice transaction set may include one or multiple payment authorizations. The 824 – Application Advice acknowledgment may accept or reject an entire 820 transaction set, or any specific debit authorizations ~~authorization(s)~~ included in the 820 transaction set.

~~A)1)~~ If the 824 – Application Advice acknowledgment designates the entire 820 – Payment Order/Remittance Advice transaction set is rejected, all electronic payment data represented by that 820 transaction set is considered not received. If there are multiple payment authorizations included in the 820 transaction set, none of the payment authorizations will be processed.

~~B)2)~~ If the 824 – Application Advice acknowledgment designates the entire 820 – Payment Order/Remittance Advice transaction set is accepted, it does not mean that the payment authorizations ~~authorization(s)~~ included will be processed. The 824 acknowledgment may still reject any specific payment authorizations ~~authorization(s)~~ included in the 820 transaction set. If there are multiple payment authorizations, all may be rejected, all may be accepted, or some may be accepted and some may be rejected.

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C)3) If the 824 – Application Advice acknowledgment designates the entire 820 – Payment Order/Remittance Advice transaction set is accepted, the presence of a confirmation number for a specific payment authorization will indicate that the authorization will be processed by the Department. If there is no confirmation number for a specific payment authorization, it means that the authorization will not be processed.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 760.330 Termination of Voluntary Participants

The Department reserves the right to terminate the participation privilege of any voluntary electronic filer who fails to meet the requirements, specifications, and procedures stated in this Part.

(Source: Added at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois State Library, Acquisition Division, Illinois Documents Section
- 2) Code Citation: 23 Ill. Adm. Code 3020
- 3)

<u>Section Numbers</u>	<u>Proposed Action:</u>
3020.100	Amend
3020.110	Amend
3020.120	Amend
3020.130	Amend
3020.150	Amend
3020.160	Amend
3020.210	Amend
3020.220	Amend
3020.240	Amend
- 4) Statutory Authority: Implementing Section 21 and authorized by Section 2 of the State Library Act (15 ILCS 320/21).
- 5) A Complete Description of the Subjects and Issues Involved: The rules are being amended explaining methods for State agencies to provide the Illinois State Library with electronic versions of publications as a result of SB 2135 (PA 92-167); effective 1/1/03. The Public Act now requires all State agencies to file copies of printed documents that are made available to the public with the State Library. Since the evolution of the Internet, nearly all State agencies publish public documents in an electronic format which are made available to the public via the Internet. The State Library is required to make copies of all documents of State agencies to the public, including electronic copies when available. This is the principle purpose of the Find-It! Illinois program of the State Library, an Internet service providing access to government documents to the public. This program cannot fulfill its mandatory responsibility for public access to information unless all State agencies provide the State Library with the electronic format of documents. PA 92-167 and these amended rules clarify that all State agencies must file electronic documents with the State Library. The rules include a definition of electronic material. Also, Section 3020.240 is amended, stipulating that when a depository library intends to terminate its depository status, a letter from the depository's governing authority must be sent to the Illinois State Library. In the main source note, the Ill. Rev. Stat. citation is being converted to the ILCS citation and the address of the Illinois State Library is being corrected in Section 3020.210.

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- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
Joseph A. Natale
Illinois State Library
300 S. Second
Springfield IL 62701
217-558-4185
jnatale@ilsos.net
- 12) 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: The skills to submit URLs or electronic publications to the Illinois State Library are possessed by State agency Web masters and information technology staff members.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATEPART 3020
ILLINOIS STATE LIBRARY, ACQUISITIONS DIVISION,
ILLINOIS DOCUMENTS SECTION

SUBPART A: DEPOSIT OF PUBLICATIONS

Section	
3020.100	Definitions
3020.110	Non-priced and Priced Publications
3020.120	State University Publications
3020.130	Delivery Cost and Responsibility
3020.140	Excess Copies
3020.150	Administrator of State Agency
3020.160	Lists of <u>Published Materials</u> Publications

SUBPART B: DEPOSITORY LIBRARIES

Section	
3020.200	Designation of Depositories
3020.210	Retention and Disposal of Documents
3020.220	Citizen Access to Publications
3020.230	Inspection of Depositories
3020.240	Termination of Depository Status

AUTHORITY: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21].

SOURCE: Filed effective December 21, 1967; rules repealed, new rules adopted and codified at 8 Ill. Reg. 319, effective December 27, 1983; amended at 10 Ill. Reg. 4555, effective July 1, 1986; amended at 26 Ill. Reg. _____, effective _____.

SUBPART A: DEPOSIT OF PUBLICATIONS

Section 3020.100 Definitions

The following definitions apply to this Part:

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"Access" means the allowance or liberty to make use of publications deposited in a depository or exchange library.

"Depositories" means those libraries and/or resource centers that have Illinois publications deposited in their collections for citizen availability by agreement with the Secretary of State.

"Ephemeral material" means any material that is of a short duration, for example, an announcement of a conference or seminar.

"Exchange libraries" means those libraries with which the Secretary of State has an agreement whereby each library exchanges publications of its respective state.

"ILLINET" means the Illinois Library and Information Network.

"Metadata" means structured information that describes content, origin, format and other key characteristics of data for the purpose of information management.

"Microforms" means any medium bearing microimages, such as microfiche or microfilm.

~~"Printed material" means publications printed by any of various mechanical processes, including computer printed materials.~~

"Publications" means all formats ~~forms~~ of media, including microforms, recordings, and other printed material paid for in whole or in part by funds appropriated by the General Assembly or issued at the request of a State ~~state~~ agency, excepting however, correspondence, interoffice memoranda, and confidential publications.

"Published material" means publications in print and electronic formats duplicated by any means of duplication, including material download from a publicly accessible electronic network.

"Recordings" means anything on which sound or visual images have been recorded, including cassettes, records, slides or films.

"State agencies ~~Agencies~~" means every State ~~state~~-office, officer, department, division, section, unit, service, bureau, board, commission, committee, and

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subdivision thereof of all branches of the ~~State state~~ government and which agencies expend appropriations of ~~State state~~ funds, regardless of the amount. This includes state universities.

"Superseded material" means any publication cumulated in later issues, issued in later revised editions, or separates, replaced by final bound volumes.

"URL" (Uniform Resource Locator) means the address for a resource or site (usually a directory or file) on the World Wide Web and the convention that Web browsers use for locating files and other remote services.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 3020.110 Non-priced and Priced Publications

- a) Within 1 week ~~after~~ ~~of~~ agency receipt of publications, the issuing agency shall send to the Illinois Documents Section, Illinois State Library, ~~40~~ ~~forty~~ copies of all publications, priced and non-priced. Along with the publications, the issuing agency shall include information containing the address of the agency and, if applicable, the price of each item so that it may appear on the list of State of Illinois publications issued by the State Library.
- b) The issuing agency shall notify the Illinois State Library – Library Automation and Technology Division of the electronic-only publication by sending a notification that identifies the URL of the publication.
- c) If the issuing agency does not submit a URL, it shall provide the Illinois State Library with one electronic copy of all published materials as defined in this Part in a format acceptable to the Illinois State Library.
- d) In formats where applicable, electronic-only publications shall include metadata embedded in the file in a manner acceptable to the Illinois State Library.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 3020.120 State University Publications

- a) Within ~~one~~ ~~1~~ week ~~after~~ ~~of~~ state university receipt of publications, three copies of all state university publications, priced and non-priced, and two copies of all publications published by the university presses, shall be deposited with the Illinois Documents Section, along with the address of the issuing agency and the price of the publications.
- b) The issuing agency shall notify the Illinois State Library – Library Automation

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and Technology Division of the electronic-only publication by sending a notification that identifies the URL of the publication.

- c) If the issuing agency does not submit a URL, it shall provide the Illinois State Library with one electronic copy of all published materials as defined in this Part in a format acceptable to the Illinois State Library.
- d) In formats where applicable, electronic-only publications shall include metadata embedded in the file in a manner acceptable to the Illinois State Library.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 3020.130 Delivery Cost and Responsibility

The issuing ~~State state~~-agency shall be responsible for any costs and for the delivery of all published materials ~~publications~~ to the Illinois Documents Section.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 3020.150 Administrator of State Agency

By January 15, 2003 and by January 15 of each subsequent year, each State ~~Each state~~-agency shall inform the Illinois Documents Section in writing of the person, persons, or positions responsible for distribution of publications of that agency. The Illinois Documents Section shall be notified within two weeks of any changes.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 3020.160 Lists of Published Materials ~~Publications~~

The Illinois Documents Section and the Library Automation and Technology Division shall prepare and publish a semi-monthly listing of all published materials ~~publications~~ received.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART B: DEPOSITORY LIBRARIES

Section 3020.210 Retention and Disposal of Documents

The Illinois State Library shall retain ownership of Illinois documents deposited in its depository and exchange libraries. The depository must keep all documents received for seven years. At the end of that time, it may send a list of unneeded documents to the Illinois Documents

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Coordinator, Illinois State Library, ~~300 South Second-Centennial Building~~, Springfield, IL ~~62701-1796-62756~~, who will circulate the list to other depository libraries for their selection. If other libraries request any documents on the list, the discarding library will forward the documents to them, by the least expensive method, at the selecting library's expense. Documents not selected by other depositories may be destroyed or otherwise disposed of. The ~~Reference and Research Centers, which include the~~ Illinois State Library, shall keep all depository documents indefinitely, including ephemeral materials, except for superseded items.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 3020.220 Citizen Access to Publications

- a) The depository library must make reference service available not only to the library's primary users but to all Illinois ~~citizens~~Citizens. Cataloging of the documents is required in order to make ~~State state~~ documents easily accessible and retrievable.
- b) Depository libraries shall permit all Illinois citizens access to the depository documents in their collection. Access is "adequate" if it meets the following standards: Non-circulating material and circulating material ~~that which~~ is not currently charged to a patron will be made available within 48 hours ~~after of~~ a citizen request; circulating material ~~that which~~ is currently charged to a patron will be made available to fill a citizen request within 24 hours ~~after of~~ its return to the depository library.
- c) The Illinois State Library shall work with issuing State agencies to make published materials available to the public, by means of access, by way of the largest nonproprietary nonprofit cooperative public computer network [15 ILCS 320/7].

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 3020.240 Termination of Depository Status

- a) A depository has the right to terminate its status as a depository by a letter ~~from~~ the depository's governing authority to the Director of the Illinois State Library. The Director may terminate the status of a library as a depository if the requirements of Section 3020.210-3020.230 are not met. At termination, the library will request instructions from the State Library about the disposition of the depository publications on hand.
- b) If a depository library wishes to challenge the termination of its depository status, the depository must request a hearing within one month ~~after of~~ termination notice

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from the State Library. The members of the hearing committee will be the Director of the State Library, the Illinois Documents Coordinator, the Director of the library system to which the depository library belongs, and a representative from a depository in a non-adjacent library system, who has been mutually agreed upon by the Director of the Illinois State Library and the depository library challenging termination. The majority decision of this committee concerning the termination of the depository library will be final.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Definitions
- 2) Code Citation: 8 Ill. Adm. Code 20
- 3) Section Number: 20.1 Adopted Action: Amend
- 4) Statutory Authority: Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5]
- 5) Effective Date of Amendment: September 23, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: July 5, 2002; 26 Ill. Reg. 9475
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendment: Definitions for “approved identification” or “official identification” and “premises identification number” are being added. The cites to the *Code of Federal Regulations* (CFR) are being updated to the 2002 edition.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281
217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 20
DEFINITIONS

Section

20.1

Definitions

AUTHORITY: Implementing and authorized by Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; and Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].

SOURCE: Regulations Relating to the Bureau of Animal Health and the Bureau of Animal Welfare, Definitions, filed January 27, 1966, effective January 27, 1966; amended May 3, 1972, effective May 14, 1972; codified at 5 Ill. Reg. 10437; amended at 8 Ill. Reg. 5915, effective April 23, 1984; amended at 9 Ill. Reg. 18404, effective November 19, 1985; amended at 10 Ill. Reg. 9747, effective May 21, 1986; amended at 12 Ill. Reg. 8275, effective May 2, 1988; amended at 18 Ill. Reg. 1844, effective January 24, 1994; amended at 20 Ill. Reg. 1522, effective January 12, 1996; amended at 23 Ill. Reg. 404, effective January 1, 1999; amended at 23 Ill. Reg. 8964, effective July 28, 1999; amended at 26 Ill. Reg. 14617, effective Sep 23, 2002.

Section 20.1 Definitions

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture.

"Animal and Plant Health Inspection Service" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Approved eartag" means an eartag that is tamper resistant, has been approved for

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use either by the U.S. Department of Agriculture or the Illinois Department of Agriculture, and conforms either with a nine digit alphanumeric system starting with "33" (the postal code for Illinois) followed by three letters and four numbers or with a three letter and four number system on one side and either "Illinois" or "IL" on the reverse side. Information concerning manufacturers of approved eartags may be obtained from the Department.

"Approved health certificate" means one that has been so endorsed by the Animal Health Official of the state of origin.

"Approved identification" or "official identification" means an approved eartag, a tattoo conforming to the six-character alpha numeric National Tattoo System that provides a unique identification for each herd or lot of animals, or microchip.

"Approved laboratory" means one of the animal disease laboratories operated by the Department, the State-Federal Serology Laboratory, the Laboratories of Veterinary Diagnostic Medicine at the College of Veterinary Medicine, University of Illinois, or a laboratory approved by the Animal Health Official of the exporting state to conduct official tests.

"Auction market" means a licensed livestock facility (stockyard or livestock market under State and Federal veterinary supervision) where livestock are assembled and sold.

"Brucellosis" means the disease wherein an animal is infected with Brucella micro-organisms irrespective of the occurrence or absence of clinical signs.

"Certified Brucellosis-Free Herd" means one in which at least two annual negative official tests for brucellosis have been conducted on all animals in the herd 6 months of age or over and for which a certificate has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

"Consignment" means a document issued by the owner or shipper of livestock, designating the name of the owner and/or shipper; place of origin; stockyard, auction market, or packing plant of destination; date of shipment; and number and description of livestock, certified to by the owner or shipper, kept in possession of the carrier and delivered to a stockyard, auction market, or packing plant of destination upon acceptance. This consignment shall be held by the stockyard, auction market, or packing plant for a period of not less than 6 ~~six~~ months for inspection by the legally authorized officials of the United States Department of

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Agriculture and the Department and other officials having police powers.

"Contagious disease" means a specific infectious disease which is readily transmitted from host to host by direct contact or by means of intermediate hosts.

"Department" or "Department of Agriculture", unless otherwise indicated, means the Department of Agriculture of the State of Illinois.

"Director" means the Director of the Illinois Department of Agriculture.

"Federal Inspector" means an Animal Health Technician employed by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Feeder female cattle" means female bovines of the beef breeds 6-18 months of age that have not been tested for brucellosis prior to sale.

"Feeder swine" or "feeding swine" means swine under ~~4~~ **four** months of age, weighing less than 180 pounds and not requiring testing as breeding swine or swine consigned directly to slaughter.

"Health certificate" or "certificate of health" or "interstate health certificate" or "certificate of veterinary inspection" means a legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service, and issued by an accredited veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the United States Armed Services, which shows that the animals or birds listed thereon meet the health requirements of the state of destination. The health certificate shall contain the name and complete mailing address of the consignor, the name and complete mailing address of the consignee, and an accurate description or identification of the animals or birds involved, and shall also indicate the health status of the animals or birds, including the dates and results of required tests and dates of vaccination, if any. A health certificate is valid for 30 days after issuance, except when specific exemptions are made for exhibition livestock. The ~~2~~ **two** copies of the health certificate that are labeled "Division Copy" shall be submitted to the Department within 30 days after issuance. No alteration of any type is allowed on a health certificate.

"Infected animal", "positive animal" or "reactor" means an animal which has given a positive reaction to any official test or in which evidence of the disease has been found in the body or in the body discharges, when the animal has been

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classified as such by a State or Federal epidemiologist.

"Infectious disease" means the reaction resulting from the introduction into the body of a specific disease-producing organism or its toxic product.

"Infestation" or "infested with" means the invasion of the body by animal parasites.

"Market Cattle Identification Program" means the brucellosis testing program of market cattle that is part of the National Brucellosis Eradication Program (9 CFR 78 (~~2002~~1999)) Incorporation by reference does not include any later amendments or editions beyond the date specified. In accordance with the authority stated in the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/2], the Department has entered into a cooperative agreement with the United States Department of Agriculture to identify brucellosis infected herds.

"Marketing ~~center~~ Center" means an approved livestock facility (stockyard or livestock market under State and Federal veterinary supervision) where livestock are assembled and sold and that has been approved under 9 CFR 71.20 (2002 ~~1999~~). Incorporation by reference does not include any later amendments or editions beyond the date specified.

"Negative exposed cattle" means a test negative animal in an infected herd.

"Official test" means any test for the detection of a reportable disease in Illinois as defined in 8 Ill. Adm. Code 85.10, approved by the Department and the Animal and Plant Health Inspection Service, which is based on a standard test that is approved by the American Association of Veterinary Laboratory Diagnosticians and the United States Department of Agriculture and conducted in an approved laboratory.

"Premises identification number" means a unique number assigned by the Department or the United States Department of Agriculture to a livestock production unit that is epidemiologically distinct from other livestock production units. A premises identification number consists of IL followed by the assigned premises number. A premises identification number may be used in conjunction with a producer's own livestock production numbering system to provide a unique identification number for an animal.

"Public stockyard" means a stockyard where trading in livestock is conducted, where yarding, feeding, and watering facilities are provided by the stockyard,

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transportation, or similar company, and where State and/or Federal inspection is maintained for the inspection of livestock for communicable disease, such as Peoria Union Stockyards located at Peoria.

"Quarantine" means a condition in which one or more animals shall be kept separate and apart from and not allowed to come in contact in any way with other animals.

"Recognized slaughtering establishment" means an establishment where slaughtering is conducted under Federal or State inspection.

"Restriction" or "restricted" means a condition in which one or more animals shall be kept on certain designated premises and shall not be allowed to come in contact in any way with animals from other premises.

"Ring test" or "brucellosis ring test (BRT)"⁵ means the diagnostic test of milk or cream to detect the presence of brucellosis in the herd in which such milk or cream sample was produced.

"State Inspector" means an Animal and Animal Products Investigator employed by the Illinois Department of Agriculture.

"Suspicious animal" or "suspect" means an animal that has given a positive reaction to an official test and whose test results are less than that which would result in a classification of reactor.

"Tuberculosis-~~Free-free~~ Accredited Herd" means one for which a certificate of accreditation has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

(Source: Amended at 26 Ill. Reg. 14617, effective Sep 23, 2002)

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- 1) Heading of Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
40.170	Amend
40.230	Amend
- 4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640]
- 5) Effective Date of amendments: September 23, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: July 5, 2002; 26 Ill. Reg. 9482
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Illinois was declared Pseudorabies Stage V-Free on February 1, 2002. There are currently no herds under quarantine for pseudorabies in the United States, and if the disease is diagnosed, the herd will be immediately depopulated. Portions of Sections 40.170 and 40.230 are being amended to reflect this achievement.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Linda Rhodes

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)PART 40
LIVESTOCK AUCTION MARKETS

Section

40.5	Definitions
40.10	Fee to Accompany Application Not To Be Refunded
40.20	Release of Livestock for Interstate Shipment
40.30	Veterinary Inspection
40.40	Veterinary Office
40.50	Detection of Diseased Animals
40.60	Bovine Brucellosis
40.70	Quarantine Pen
40.80	The Sale of Livestock for Immediate Slaughter
40.90	Test Chute
40.100	Brucellosis Test
40.110	Sale of Official Brucellosis CalfhooD Vaccinates
40.120	Feeder Cattle Subject to Quarantine
40.130	Backtagging
40.140	Yarding and Housing
40.150	Display License (Repealed)
40.160	Sale Day
40.170	Swine
40.180	Swine Which React to Test for Brucellosis
40.190	Sheep and Goats
40.200	Surety Bonds and Other Pledged Security
40.210	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.220	Swine Movement Limitations (Repealed)
40.230	Disposition of Rejected Feeding or Breeding Swine
40.240	Director To Be Named Trustee (Repealed)
40.250	Animals Designated for Slaughter Only

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law [225 ILCS 640].

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective

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December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992; amended at 18 Ill. Reg. 1869, effective January 24, 1994; amended at 20 Ill. Reg. 1546, effective January 12, 1996; amended at 20 Ill. Reg. 16192, effective January 1, 1997; amended at 21 Ill. Reg. 17085, effective January 1, 1998; amended at 23 Ill. Reg. 441, effective January 1, 1999; amended at 23 Ill. Reg. 9780, effective August 9, 1999; amended at 26 Ill. Reg. 127, effective January 1, 2002; amended at 26 Ill. Reg. 14624, effective Sep 23, 2002.

Section 40.170 Swine

- a) In no case shall swine remain on the livestock auction market premises for more than 10 days.
- b) Out-of-state feeder swine shall enter Illinois accompanied by a health certificate and a permit (8 Ill. Adm. Code 105.10) and be cartagged ~~ear-tagged~~ to show state of origin, except that feeder swine consigned from the farm of origin directly to a federally approved market shall be tagged immediately upon arrival at the market. Such swine shall move directly into Illinois from the state of origin. A report of sale shall be made within 48 hours after the time of sale (on Form Z-5) to the Department, stating name and address of purchaser and number of animals purchased. ~~Such swine shall be quarantined to the purchaser for 21 days by the Department (8 Ill. Adm. Code 105.20).~~
- c) Eartag ~~Ear tag~~ identification of swine, together with the name and address of consignor and purchaser, date of sale, breed and number purchased, shall be made a part of the records of the livestock auction market before swine leave the livestock auction market.
- d) In accordance with Section 2 of the Illinois Swine Brucellosis Eradication Act [225 ILCS 95/2], all breeding swine 4 months of age and over shall be negative to an official test for brucellosis within 60 days prior to sale or originate from a validated brucellosis-free herd. Such test shall be recognized for one change of ownership or premises only within the 60-day period.
- e) ~~In accordance with Section 115.70 of the regulations pertaining to the Illinois Pseudorabies Control Act (8 Ill. Adm. Code 115.70), all Illinois origin breeding swine must be accompanied by a health certificate or an official pseudorabies test chart or photocopy of such chart showing that the swine have tested negative to an official test for pseudorabies within 60 days prior to the date of such transaction with the test being recognized for one change of ownership or premises within the 60-day period, or showing that the swine originated from a qualified pseudorabies negative herd, or showing that the swine are unvaccinated swine originating from~~

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- ~~an Illinois pseudorabies negative gene altered vaccinated herd.~~
- ~~f) In accordance with Section 105.30 of the regulations pertaining to the Swine Disease Control and Eradication Act (8 Ill. Adm. Code 105.30), the official health certificate shall show that any breeding swine entering Illinois must be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry, or that the swine originated from a qualified pseudorabies negative herd with the qualified herd number and qualification date listed on the health certificate, or that the swine originated from a country that meets the requirements for Stage V, or from a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State Federal Industry Program Standards (January 2000) as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). (This incorporation by reference does not include any amendments or editions beyond the date specified.) If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.~~

(Source: Amended at 26 Ill. Reg. 14624, effective Sep 23, 2002)

Section 40.230 Disposition of Rejected Feeding or Breeding Swine

- a) Swine exhibiting evidence of disease shall be rejected for feeding or breeding purposes by the livestock auction market veterinarian and shall be sold for slaughter, except when returned to the owner's premises as requested by the owner. Such rejected swine shall be identified by an official ~~ear tag~~ ear tag and then may be returned to the owner's premises under quarantine at the option of the owner. The quarantine shall be issued by the livestock auction market veterinarian on forms prescribed by the Department, with the official ~~ear tag~~ ear tag numbers recorded and a copy forwarded to the Department.
- b) All rejected swine to be sold for slaughter shall be identified with a red tag in the left ear and be accompanied by a Form C-24a, revised. The official ear tag numbers shall be recorded on the form and a copy of the form shall be forwarded by the livestock auction veterinarian to the Department.
- ~~c) Swine rejected for sale only because the herd was not in compliance with the pseudorabies testing requirements for the sale of feeder pigs (8 Ill. Adm. Code 115.80) shall be identified with an official silver ear tag in the left ear and said swine shall, at the option of the owner, be either returned to the owner's premises under quarantine or sold for slaughter. The quarantine shall be issued by the livestock auction market veterinarian, on forms prescribed by the Department, with the official ear tag numbers recorded on the forms. A copy of the quarantine form shall be forwarded by the livestock auction market veterinarian to the~~

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~~Department. This quarantine shall be in effect for six months or until the herd is in compliance with the pseudorabies testing requirements for the sale of feeder pigs.~~

(Source: Amended at 26 Ill. Reg. 14624, effective Sep 23 2002)

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- 1) Heading of Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
105.7	Amend
105.10	Amend
105.20	Repeal
105.30	Amend
- 4) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 100], Illinois Pseudorabies Control Act [510 ILCS 90] and Illinois Swine Brucellosis Eradication Act [510 ILCS 95]
- 5) Effective Date of amendments: September 23, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: July 5, 2002; 26 Ill. Reg. 9509
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Illinois is adopting the federal guidelines governing the interstate movement of swine within a production system (9 CFR 71 and 9 CFR 85, 2002).
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
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The full text of adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
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PART 105
SWINE DISEASE CONTROL AND ERADICATION ACT

Section	
105.5	Definitions
105.7	Incorporation by Reference
105.10	Swine Entering Illinois for Feeding Purposes Only
105.20	Quarantine of Imported Feeder Swine <u>(Repealed)</u>
105.30	Swine Entering Illinois for Breeding Purposes
105.40	Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
105.41	General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.42	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
105.44	Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
105.46	Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.50	Official Pseudorabies Test (Repealed)
105.60	Pseudorabies Test Requirements for Intrastate Movement (Repealed)
105.70	Pseudorabies Testing of Feeder Swine (Repealed)
105.80	Feeder Swine (Repealed)
105.90	Feral Swine
105.100	Feeder Swine Moving Through Pig Shows/Sales
105.110	Swine Entering Illinois for Exhibition Purposes Other Than Through Show/Pig Sales
105.120	Illinois Exhibition Swine
105.130	Requirements for Establishing and Maintaining a Herd Under the Voluntary Porcine Reproductive and Respiratory Disease (PRRS) Monitored Herd Program

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication

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Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; amended at 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9 Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. 11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14010, effective August 16, 1993; amended at 18 Ill. Reg. 1880, effective January 24, 1994; amended at 18 Ill. Reg. 17968, effective January 1, 1995; amended at 20 Ill. Reg. 1563, effective January 12, 1996; amended at 21 Ill. Reg. 917, effective January 7, 1997; amended at 21 Ill. Reg. 17094, effective January 1, 1998; amended at 23 Ill. Reg. 459, effective January 1, 1999; amended at 24 Ill. Reg. 1017, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8625, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16635, effective November 1, 2000; amended at 26 Ill. Reg. 98, effective January 1, 2002; amended at 26 Ill. Reg. 14630, effective Sep 23, 2002.

Section 105.7 Incorporation by Reference

The Pseudorabies Eradication State-Federal-Industry Program Standards (Jan. ~~2002~~2000) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the Swine Brucellosis Eradication Uniform Methods and Rules (April 1998; as approved by the United States Animal Health Association, P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) are incorporated by reference in this Part and do not include any later amendments or editions beyond the date specified.

(Source: Amended at 26 Ill. Reg. 14630, effective Sep 23, 2002)

Section 105.10 Swine Entering Illinois for Feeding Purposes Only

- a) Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or site tattoo in the right ear showing state of origin and accompanied by a permit from the Department and an official health certificate.
- b) Official health certificate shall:
 - 1) Be issued by an accredited veterinarian of the state of origin or a

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- veterinarian in the employ of the United States Department of Agriculture;
- 2) Be approved by the Animal Health Official of state of origin;
 - 3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
 - 4) Show that the feeder swine are not from a quarantined herd and/or area;
 - 5) List number and description of the feeder swine, site tattoos, ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and
 - 6) Show that the swine originate from a herd in which a representative sample of the herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80), originate from a qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herd that is conducting monthly monitoring tests or originate from a state that has been classified as Stage IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.
- c) Permits:
- 1) Permits to import feeder swine shall only be issued to:
 - A) An Illinois licensed feeder swine dealer; and
 - B) A person importing pigs to feed on his own premises and not for resale other than to slaughter.
 - 2) Applicant for permit shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination.
 - B) Name and address of consignor.
 - C) Number of swine in shipment.
 - D) Pseudorabies vaccination status of swine.
 - 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or ~~any rule of~~ this Part.
 - B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620] and his or her license is not in good standing with the Department.
 - C) Presence of a disease which might endanger the Illinois swine industry.
- d) Imported isowean or feeder swine from Stage I or II states shall be quarantined to the Illinois premises until a 95/10 random sample test has been performed on the imported animals 21 to 60 days post-importation.
- e) Feeder swine entering Illinois in accordance with the provisions governing the interstate movement of swine within a production system (9 CFR 71 and 9 CFR

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85, 2002) are exempt from the certificate of veterinary inspection, individual identification and permit requirements.

(Source: Amended at 26 Ill. Reg. 14630, effective Sep 23, 2002)

Section 105.20 Quarantine of Imported Feeder Swine (Repealed)

~~Feeder swine imported from other states shall be subject to quarantine at destination for a period of twenty one (21) days.~~

(Source: Repealed at 26 Ill. Reg. 14630, effective Sep 23, 2002)

Section 105.30 Swine Entering Illinois for Breeding Purposes

- a) Swine for breeding purposes, or of breeding age, returning to Illinois after exhibition, except feral swine, may enter Illinois provided they are accompanied by a permit from the Department and an official health certificate.
- b) Official health certificate shall:
 - 1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;
 - 2) Be approved by the Animal Health Official of the state of origin;
 - 3) Identify each animal by registration number, approved ear tag, breed registry tattoo, or ear notch approved by the respective breed registry;
 - 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
 - 5) Show that the swine are not from a quarantined herd and/or area;
 - 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free state (Swine Brucellosis Eradication Uniform Methods and Rules); and
 - 7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 15 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd where at least half of the last monitoring test has been conducted within 15 days (testing half of the required monthly number of swine every 15 days is acceptable – Stage I or II states only; monthly testing is acceptable in Stage III states), with the qualified herd number and qualification date listed on the health certificate, pseudorabies vaccination status of swine, OR that the swine originated from a country that meets the requirements

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for Stage V or from a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above.

- c) Permits:
- 1) Permits to import breeding swine shall be issued by telephoning or writing the Department.
 - 2) Applicant for permit shall furnish the following information to the Department:
 - Name and complete mailing address of Illinois destination;
 - Name and address of consignor;
 - Number of swine in shipment; and
 - Pseudorabies vaccination status of swine.
 - 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act ~~or any rule~~ of this Part; and
 - B) Presence of a disease which might endanger the Illinois swine industry.
- d) Imported breeding animals or swine of breeding age returning to Illinois after exhibition shall be kept quarantined and isolated until a percentage of the imported breeding swine are retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 60 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested. Imported breeding swine originating from a country that meets the requirements for Stage V or a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards ~~is~~ ~~are~~ exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above.
- e) Breeding swine entering Illinois in accordance with the provisions governing the interstate movement of swine within a production system (9 CFR 71 and 9 CFR 85, 2002) are exempt from the certificate of veterinary inspection, individual identification and permit requirements.

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(Source: Amended at 26 Ill. Reg. 14630, effective Sep 23, 2002)

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- 1) Heading of the Part: Illinois Pseudorabies Control Act
- 2) Code Citation: 8 Ill. Adm. Code 115
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
115.10	Amend
115.70	Repeal
115.90	Amend
115.100	Amend
- 4) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90]
- 5) Effective Date of Amendments: September 23, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: July 5, 2002; 26 Ill. Reg. 9516
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Illinois was declared Pseudorabies Stage V-Free on February 1, 2002. Section 115.70 is being repealed to ease testing requirements for Illinois producers.

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Provisions for transferring feeder swine from a quarantined herd in Section 115.90 is being repealed as pseudorabies no longer exists in Illinois, and if the disease should reappear, the herd would be immediately depopulated.

The Department is also updating references to the Code of Federal Regulations (CFR).

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

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds
P. O. Box 19281
Springfield, Illinois 62794-9281
217/785-5713
Facsimile: 217/785-4505

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 115
ILLINOIS PSEUDORABIES CONTROL ACT

Section

115.10	Definitions
115.15	Incorporation by Reference
115.20	Pseudorabies Quarantines
115.30	General Requirements for Qualified Pseudorabies Negative, Negative Gene-Altered Vaccinated and Feeder Swine Pseudorabies Monitored Herds
115.40	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds
115.50	Requirements for Establishing and Maintaining Pseudorabies Qualified-Negative Gene-Altered Vaccinated (QNV) Swine Herds
115.60	Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
115.70	Pseudorabies Test Requirements for Intrastate Movement (<u>Repealed</u>)
115.80	Pseudorabies Testing of Feeder Swine
115.90	Feeder Swine
115.100	Breeding Animals Consigned to Slaughter
115.110	Swine Intended for Slaughter; Permit
115.120	Use of Vaccine

AUTHORITY: Implementing and authorized by the Illinois Pseudorabies Control Act [510 ILCS 90].

SOURCE: Adopted at 12 Ill. Reg. 3394, effective January 22, 1988; amended at 13 Ill. Reg. 3685, effective March 13, 1989; amended at 14 Ill. Reg. 1935, effective January 19, 1990; amended at 14 Ill. Reg. 5065, effective March 21, 1990; amended at 14 Ill. Reg. 15318, effective September 10, 1990; amended at 16 Ill. Reg. 11781, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5906, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14006, effective August 16, 1993; amended at 20 Ill. Reg. 1542, effective January 12, 1996; amended at 21 Ill. Reg. 904, effective January 7, 1997; amended at 21 Ill. Reg. 17079, effective January 1, 1998; amended at 23 Ill. Reg. 434, effective January 1, 1999; amended at 24 Ill. Reg. 1012, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8620, effective

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June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16630, effective November 1, 2000; amended at 26 Ill. Reg. 118, effective January 1, 2002; amended at 26 Ill. Reg. 14638, effective Sep 23, 2002.

Section 115.10 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Pseudorabies Control Act [510 ILCS 90].

"Official random-sample test (95/5)" means a sampling procedure utilizing official pseudorabies serologic tests that provide a 95 percent probability of detecting infection in a herd in which at least 5 percent of the swine are seropositive for pseudorabies. Each separated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head – test 45
100-200 head – test 51
201-999 head – test 57
1000 and over – test 59

"Official random-sample test (95/10)" means a sampling procedure utilizing official pseudorabies serologic tests that provide a 95 percent probability of detecting infection in a herd in which at least 10 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head – test 25
100-200 head – test 27
201-999 head – test 28
1000 and over – test 29

"Official test" or "test" means any serologic test for the detection of pseudorabies (serum neutralization (SN), for example) as approved by the United States Department of Agriculture (9 CFR 85.1, ~~20022001~~) and conducted in an approved laboratory.

(Source: Amended at 26 Ill. Reg. 14638, effective Sep 23, 2002)

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Section 115.70 Pseudorabies Test Requirements for Intrastate Movement (Repealed)

~~No person shall lease, loan, trade, or sell any swine 4 months of age and over for breeding purposes, or offer or receive the services of any male swine for breeding purposes, unless such swine are accompanied by a health certificate, or an official pseudorabies test chart, or photocopy of such chart, showing that the swine have been tested and negative to an official test for pseudorabies within 60 days prior to the date of such transaction, with the test being recognized for one change of ownership or premises within the 60-day period, OR showing that the swine originated from a qualified pseudorabies negative herd OR showing that the swine are unvaccinated swine originating from an Illinois pseudorabies negative gene-altered vaccinated herd. Swine of any age being exhibited within the State must meet the above requirements except that the test is good for 90 days.~~

(Source: Repealed at 26 Ill. Reg. 14638, effective Sep 23, 2002)

Section 115.90 Feeder Swine

No person shall offer for sale, sell, trade, lease or loan any feeder swine unless the animals originate from a herd that is in compliance with Section 115.80, they are sold direct to slaughter, or they are sold and moved from a quarantined herd to a quarantined herd under permit issued by the Department. ~~Feeder swine from a quarantined herd may be transferred, if accompanied by a permit issued by the Department, to an unquarantined feeding swine herd, provided there are no breeding swine on the premise or upon adjacent premises within one mile, and such herd shall then be quarantined. Permits shall be issued by the Department upon request and such request may be made either in writing or by telephone (217-782-4944). Permits for such movement shall not be issued, except for feeder swine moving from a herd which is under an approved herd plan for eliminating pseudorabies infection.~~

(Source: Amended at 26 Ill. Reg. 14638, effective Sep 23, 2002)

Section 115.100 Breeding Animals Consigned to Slaughter

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag in accordance with the Swine Identification Program (9 CFR 78.33, 20022001). The tag shall be applied to the back of the neck of each animal. A report of such identification shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Department within 30 days after application. If such swine are slaughtered in

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Illinois, the management of the Illinois slaughter facility shall, upon written request from the Department or from the U.S. Department of Agriculture, provide for or permit the collection of blood samples for testing from the identified swine.

(Source: Amended at 26 Ill. Reg. 14638, effective Sep 23, 2002)

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- 1) Heading of Part: Illinois Noxious Weed Law
- 2) Code Citation: 8 Ill. Adm. Code 220
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
220.50	Amend
220.60	Amend
220.70	Repeal
220.130	Amend
220.150	Amend
220.180	Amend
220.190	Amend
220.200	Amend
220.210	Amend
220.220	Amend
220.230	Amend
220.240	Amend
220.250	Add
ILLUSTRATION A	Amend
ILLUSTRATION C	Amend
ILLUSTRATION D	Amend
- 4) Statutory Authority: Section 4 of the Illinois Noxious Weed Law [505 ILCS 100/4]
- 5) Effective Date of amendments: September 23, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: March 29, 2002; 26 Ill. Reg. 4464
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

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- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Kudzu (*Pueraria lobata*), a fast growing and high-climbing exotic plant that was introduced into the United States in 1876 and was widely promoted to help control soil erosion has become a problem to many areas of the nation. A federal noxious weed, kudzu can girdle trees, break branches and kill and suppress other vegetative species through its prolific nature and ability to grow over one foot per day. Through these amendments, it is being added to the list of noxious weeds.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER f: NOXIOUS WEEDS

PART 220

ILLINOIS NOXIOUS WEED LAW

Section

220.10	Duty of Every Person
220.20	Duty of Director
220.30	Duty of Each Control Authority
220.40	Control Authority Membership
220.50	Definitions
220.60	Noxious Weeds
220.70	Noxious Weed Description and Control (Repealed)
220.80	Control Authorities' Responsibilities
220.90	Weed Control Superintendents Certified by Director; Control Authority to Set Compensation, Bonding, Etc.
220.100	Appointing Weed Control Superintendents
220.110	Deadline for Appointing Superintendents
220.120	Submitting Name and Resume of Person Appointed Superintendent to the Director; Application for Weed Control Superintendent Certification
220.130	Superintendent Must Be Familiar with Types of Weeds and Methods of Control
220.140	Allowable Expenses Set by Control Authority; Expenses Paid from General Fund or Noxious Weed Control Fund
220.150	Duties of Weed Control Superintendent
220.160	Written Report by Superintendent to Director
220.170	Comprehensive Work Plan for Coming Year Submitted to Director and Control Authority
220.180	General Notices
220.190	Individual Notices
220.200	Quarantine of Land; Approval by Director; Notice of Quarantine Form
220.210	Noxious Weeds Designated as Capable of Dissemination Through Articles
220.220	Articles Designated as Capable of Disseminating Noxious Weeds
220.230	Removal of Articles or Weeds from Premises; Treatment
220.240	Hearing and Procedure on Protest of Charges by Control Authority
<u>220.250</u>	<u>Severability</u>
ILLUSTRATION A	Application for Weed Control Superintendent Certification
ILLUSTRATION B	Public Notice
ILLUSTRATION C	Individual Notice to Control or Eradicate Eradication Weeds
ILLUSTRATION D	Quarantine Notice

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AUTHORITY: Implementing, and authorized by Section 4 of, the Illinois Noxious Weed Law [505 ILCS 100].

SOURCE: Rules and Regulations relating to the Illinois Noxious Weed Law, filed December 20, 1972, effective January 1, 1973; unless otherwise noted. Authority Note amended at 4 Ill. Reg. 42, p. 7, effective October 7, 1980; codified at 5 Ill. Reg. 10518; amended at 26 Ill. Reg. 14644, effective Sep 23, 2002.

Section 220.50 Definitions

Terms defined for the purpose of this Part, ~~these rules~~ unless the context requires otherwise.

"Act" means the Illinois Noxious Weed Law ~~"An Act concerning the control and eradication of noxious weeds, providing for a tax levy and penalties in connection therewith and repealing an Act therein named," approved August 17, 1971 [505 ILCS 100] (Ill. Rev. Stat. 1979, Ch. 5, par. 951 et. seq.)~~.

"Control", as applied to weed control, means to prevent weeds from spreading or being spread by dissemination of seed or other propagating parts.

"Control Authority" means the governing body of each county, and shall represent all rural areas and cities, villages and townships within the county boundaries.

"Director" means the Director of the Department of Agriculture of the State of Illinois, or his duly appointed representative.

"Eradicate" means the complete killing or destruction of weeds, seeds or other propagating parts of weeds by the use of cutting, chemicals, tillage, cropping systems, pasturing, livestock or crops, or any one or all of these in effective combination.

"Land" means any area capable of sustaining growth of a noxious weed.

"Noxious Weed Control Fund" means the fund established by a Control Authority s authorized in Section 15 of the Act for receiving and disbursing monies collected from a tax levy for weed control and eradication.

"Noxious Weed" means an annual, biennial, or perennial plant propagated by seed or vegetative parts that ~~which~~ is designated in this Part ~~these rules~~ as being a noxious weed in accordance with Section 2 ~~(5), paragraph 5,~~ and Section 4 of the Act.

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(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.60 Noxious Weeds

The following plants within the sovereign territory of the State of Illinois are designated and declared noxious weeds:

- a) Marihuana (*Cannabis sativa* L.);
- b) Giant Ragweed (*Ambrosia trifida*, L.) within the corporate limits of cities, villages, and incorporated towns;
- c) Common Ragweed (*Ambrosia artemisiifolia*, L.) within the corporate limits of cities, villages, and incorporated towns;
- d) Canada Thistle (*Cirsium arvense*);
- e) Perennial Sowthistle (*Sonchus arvensis*);
- f) Musk Thistle (*Carduus nutans*);
- g) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; ~~and-~~
- h) Kudzu (*Pueraria labata*).

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.70 Noxious Weed Description and Control (Repealed)

~~Control and eradication of noxious weeds shall be effected by the official methods adopted and published by the Director as Identification, Control, and Eradication of Illinois Noxious Weeds.~~

(Source: Repealed at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.130 Superintendent Must Be Familiar with Types of Weeds and Methods of Control

Each person appointed as a weed control superintendent must be familiar with the noxious types of weeds and; the recognized methods for their control and eradication, ~~and have a current Custom or Public Pesticide Applicator license~~. Each ~~such~~ appointee must also be capable of being bonded and able to carry out the duties and responsibilities of the appointment. A weed control superintendent engaged in the application of pesticides for the eradication or control of noxious weeds shall be licensed in accordance with the Illinois Pesticide Act [415 ILCS 60].

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

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Section 220.150 Duties of Weed Control Superintendent

The weed control superintendent shall control and eradicate noxious weeds and shall:

- a) Examine all lands, highways, roads, alleys, and public grounds in the territory over which the Control Authority has jurisdiction for the purpose of determining if the Control Authority is ~~they are~~ in compliance with the Act and this Part its ~~rules~~.
- b) Become acquainted with the location of all noxious weeds within the Control Authority area.
- c) Through personal contact, by letter, telephone, or other means, encourage noxious weed control or eradication by all persons so responsible within the Control Authority area.
- d) Cooperate with other Control Authorities, University of Illinois Extension ~~representatives-county-extension-advisors~~, land owners and users, government entities and others to further the purposes of the noxious weed control program.
- e) Investigate complaints received by himself, the Control Authority or the Director. On complaints received and forwarded to him by the Director, the superintendent shall report his findings to the Director.
- f) Take samples, pictures, or pressed specimens of the noxious weeds in those cases where he must control such weeds because of the failure of the property owner to act. These samples must be kept and maintained as evidence for a period of at least two years following the application of the control or eradication procedures.
- g) Give individual notice in writing on the form prescribed by the Director to the owner, occupant, agent of any owner of non-resident lands, or proper public official requiring noxious weeds to be controlled or eradicated in the manner and within the time or times specified in the notice.

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.180 General Notices

- a) Each Control Authority shall publish general notices to control and eradicate noxious weeds on all areas subject to its jurisdiction. These public notices shall be made on a schedule determined by the Control Authority to secure the best results in the control and eradication program for noxious weeds within the Authority's area of jurisdiction, unless otherwise advised by the Director.
- b) General notices ~~Notices~~ shall be published by Control Authorities in accordance with the requirements of Section 9 of the Act, which requires that such notices be published in a newspaper of general circulation within the area of their jurisdiction.
- c) The form for general notices ~~General Notices~~ shall be as shown in Illustration B

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of this Part.

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.190 Individual Notices

- a) Each Control Authority shall serve individual notices to control and eradicate noxious weeds in accordance with Sections 9, 10, and 21 of the Act.
- b) The form for individual notices shall be as shown in Illustration C of this Part.
- c) Copies of the notice in Illustration C shall be made available to the following: When using the form, the disposition of copies shall be as follows: Original (White) to Landowner; second copy (Yellow) to Illinois Department of Agriculture; third copy (Blue) to Control Authority; fourth copy (Green) to Tenant, if any; and fifth copy (Pink) to Mortgage Holder, if any.

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.200 Quarantine of Land; Approval by Director; Notice of Quarantine Form

- a) When a Control Authority deems it necessary to quarantine land under the provisions of Section 11 of the Act, it shall immediately request the approval of the Director prior to initiating the quarantine. This written request for approval shall be sent by certified mail to the Director and shall include a complete statement of the conditions ~~that which~~ require the quarantine and a description of the area affected.
- b) The Control Authority shall also submit to the Director a completed "Notice of Quarantine" for his approval. Upon receipt of this request, the Director shall conduct an investigation to determine whether the quarantine is necessary. Within reasonable time, the Director will notify the Control Authority of his findings and approval or disapproval of the request.
- c) The form for a Notice of Quarantine shall be as shown in Illustration D of this Part.
- d) Copies of the Notice of Quarantine shall be distributed to the following: When using the form, the disposition of copies shall be as follows: Original (White) to Landowner; second copy (Yellow) to Illinois Department of Agriculture; third copy (Blue) to Control Authority; fourth copy (Green) to Tenant, if any; and fifth copy (Pink) to Mortgage Holder, if any.

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.210 Noxious Weeds Designated as Capable of Dissemination Through Articles

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The following noxious weeds are designated as being capable of dissemination through articles as outlined in Section 220.220.

- a) Marihuana (*Cannabis sativa*, L.);
- b) Canada Thistle (*Cirsium arvense*);
- c) Perennial Sowthistle (*Sonchus arvensis*);
- d) Musk Thistle (*Carduus nutans*);
- e) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and;
- f) Kudzu (*Pueraria lobata*).

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.220 Articles Designated as Capable of Disseminating Noxious Weeds

Articles ~~The following articles are~~ designated as capable of disseminating noxious weeds include, but are not limited to, the following:

- a) Machinery or equipment, particularly combines, hay balers, earth-moving machinery and well drilling rigs;
- b) Farm truck and common carriers;
- c) Grain or seed;
- d) Hay, straw, or other material of similar nature;
- e) Nursery stock and sod;
- f) Seed and screenings sold for livestock feed;
- g) Fence posts, fencing or railroad ties;
- h) Manure, fertilizers, or material of similar nature; and
- i) Soil.

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.230 Removal of Articles or Weeds from Premises; Treatment

An article, infested with noxious weeds, noxious weed seed, or other propagating part of a noxious weed, shall not be moved from the premises where the infestation occurred without permission of the Control Authority, unless such article is properly treated or transported as follows:

- a) A threshing machine, combine, seed huller, hay baler, or any other equipment used in the harvesting of crops must be cleaned by removing all loose material, by sweeping or by blowing, or by any other manufacturer suggestions for cleaning the machine.

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- b) Seed, grain screenings or feed must be contained in leak or scatter proof containers. Screenings or any other material shall not be sold or furnished ~~to~~ a person except when delivered for the purpose of destroying the viability of the noxious weed, noxious weed seed or other propagating part present within the noxious weed or noxious weed seed ~~therein~~. Seed or livestock feed shall not be sold or furnished until properly processed. All trucks, vehicles or other common carriers having carried such infested materials shall be thoroughly cleaned before placing the vehicles or receptacles in service again.
- c) Grain, seed or screenings sold for livestock feed, nursery stock, fence posts, fencing, railroad ties, hay, straw, or other materials of a similar nature, ~~that which~~ contain or are impregnated with noxious weed seed, or ~~such~~ parts of the plant that could cause new growth, shall not be removed from the premises upon which it is located until cleaned of ~~such~~ weed seed or plant parts.
- d) Soil or sod, manure or fertilizer, or material of a similar nature that which contains noxious weed seed or ~~such~~ parts of the plant that could cause new growth shall not be removed from the premises upon which it is located, unless removed in such a manner or to ~~such~~ a place as not to cause the spread of ~~such~~ noxious weeds.

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.240 Hearing and Procedure on Protest of Charges by Control Authority

- a) If any person is dissatisfied with the amount of any charge made against him by a Control Authority for control or eradication work, he may file a written protest with the Director. Such protest shall be filed within 5 days after being advised of the amount of the charge.
- b) Upon receipt of a ~~such~~ protest, the Director shall set the matter for hearing within 30 days and shall notify the owner and Control Authority at least 10 days prior to the hearing.
- c) All hearings shall be conducted in accordance with 8 Ill. Adm. Code 1. Written notice of such hearing shall be served personally or by regular mail sent to the owner and Control Authority at the address as shown in the latest notification to the Department.
- ~~d) At the hearing, the Control Authority and owner shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the amount of the charges.~~
- ~~e) The Department, at its expense, shall provide a stenographer to take down the testimony and preserve the record of all proceedings at the hearing.~~
- ~~f) Any authorized agent of the Department may administer oaths to witnesses at any hearing which the Department is authorized to conduct.~~

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- ~~g) The Director, in determining the reasonableness of the charges, may call additional witnesses and may consult Circular 1003, Custom Rates and Machine Rental Rates Used on Illinois Farms, published by the University of Illinois, College of Agriculture Cooperative Extension Service, in addition to the other evidence produced at the hearing.~~
- ~~h) Within reasonable time after conclusion of the hearing, the Director shall adjust or affirm the amount of charges and shall notify the owner and the Control Authority of his decision in writing.~~

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

Section 220.250 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, that adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence or clause of this Part not judged invalid.

(Source: Added at 26 Ill. Reg. 14644, effective Sep 23, 2002)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Section 220. ILLUSTRATION A Application for Weed Control Superintendent Certification

STATE OF ILLINOIS
DEPARTMENT OF AGRICULTURE
Bureau of Environmental Programs
Superintendent of Division of Plant Industry
P.O. Box 19281
Emmerson Building, Fairgrounds
Springfield, Illinois 62794-9281 62706

APPLICATION FOR WEED CONTROL SUPERINTENDENT CERTIFICATION

Please typewrite or print.

1. _____
Name of Applicant

2. _____
County in which you live Telephone Number

3. _____
Home Address City State Zip Code ~~Number~~

4. _____
Business Name and Address Telephone Number

~~5.~~
~~Date of Birth~~

~~56.~~ Please list all the previous employment for the last five positions. (List most recent job first.)

Employer (Name and Address)	Date Started	Date Terminated	Reason for Leaving
A. _____	_____	_____	_____
_____	_____	_____	_____

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

B. _____

C. _____

D. _____

E. _____

~~67. Education~~ EDUCATION

High School _____ Graduated _____

College _____ Graduated _____

Major _____ Minor _____

Other Advance Training _____

Additional ~~Information~~ information: _____

~~8. Current Custom or Public Pesticide Applicator or Operator license number~~

I certify the above information to be true.

Signature _____ Date _____

Date Approved: _____ Approved: _____

Director,
Illinois Department of Agriculture

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Section 220. ILLUSTRATION C Individual Notice to Control or **Eradicate** Weeds

_____ COUNTY WEED CONTROL AUTHORITY

INDIVIDUAL NOTICE TO
CONTROL OR ERADICATE WEEDS

Name Date

Address City Zip

Dear Landowner:

Inspection of lands owned or operated by you and located _____ shows that the noxious weed _____ is present on this property. The Illinois Noxious Weed Law defines your duty to control or eradicate these weeds and prevent them from propagating. IN THE EVENT OF YOUR FAILURE TO CONTROL OR ERADICATE THESE WEEDS, THE CONTROL SUPERINTENDENT SHALL ENTER AND HAVE THEM CONTROLLED **OR** ERADICATED; THE COST OF DOING SO TO BE A LIEN AGAINST THE PROPERTY UNTIL PAID BY THE OWNER. In addition, you shall be subject to a fine of not more than ~~one hundred dollars (\$100)~~ for the first offense and not more than ~~two hundred dollars (\$200)~~ for each subsequent offense.

You are hereby given notice to control or eradicate these weeds within _____ days from the above date as follows: _____

~~(See attached pamphlet for detailed instructions regarding the proper control methods.)~~

Weed Control Superintendent
_____ County Weed Control Authority

The above notice was served on:

by _____

on the _____ day of _____, **2019** _____.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Signature _____

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Section 220.ILLUSTRATION D Quarantine Notice

_____ COUNTY WEED CONTROL AUTHORITY

QUARANTINE NOTICE

Name Date

Address City Zip

Dear Landowner:

Inspection of lands owned or operated by you and located _____ shows that the noxious weed _____ is present on this property. Due to your inability to control this noxious weed ~~Noxious Weed~~ and, pursuant to Section 11 of the Illinois Noxious Weed Law, your land has been quarantined. The Control Authority shall enter upon your land and eradicate the noxious weeds ~~Noxious Weeds~~ and upon completion you will be advised of the cost.

Weed Control Superintendent

_____ County Weed Control Authority

Approved _____

Director
Illinois Department of Agriculture

Date

The above notice was served on:

by _____

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

| on the _____ day of _____, ~~2019~~ _____ .

Signature _____

(Source: Amended at 26 Ill. Reg. 14644, effective Sep 23, 2002)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Insect Pest and Plant Disease Act
- 2) Code Citation: 8 Ill. Adm. Code 240
- 3) Section Numbers: 240.140 Adopted Action:
Amend
- 4) Statutory Authority: Insect Pest and Plant Disease Act [505 ILCS 90/30]
- 5) Effective Date of Rulemaking: September 23, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 12, 2002; 26 Ill. Reg. 5214
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Inspection and licensing fees associated with the nursery industry are increased. Fees have not been adjusted since 1988.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
P.O. Box 19281, State Fairgrounds

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Springfield, Illinois 62794-9281

217/785-5713

Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER h: PESTS AND PLANT DISEASESPART 240
INSECT PEST AND PLANT DISEASE ACT

SUBPART A: NURSERY AND NURSERY STOCK; INSPECTION; CERTIFICATES

Section	
240.10	Storage and Display of Nursery Stock
240.20	Inspection of Shipments of Nursery Stock in Transit
240.30	Infested or Infected Shipments of Nursery Stock; Disposal or Treatment
240.40	Listing of Other States' Certified Nurseries
240.50	Revocation of Certificates
240.60	Special Certification: Sales, Trades, and Auctions by Garden Clubs and Social Organizations
240.70	Special Certification: Plants and Nursery Stock Shipped by Individual Residents
240.80	Inspection of Private Premises, Public Grounds and Forest Preserves
240.90	Inspection of Native Trees for Resale
240.100	Refusal to Inspect Nursery
240.110	Sale of Nursery Stock Which is Infected Prohibited
240.120	Nursery Certificates Withheld or Qualified Certificates Issued
240.130	Inspection of Shipments for Foreign Countries
240.140	Fee Schedule
240.150	Use of the Department of Agriculture for Advertising (Repealed)
240.160	Administrative Rules (Formal Administrative Hearings; Contested Cases; Petitions; Administrative Procedures)

SUBPART B: QUARANTINE

Section	Scope
240.250	Scope
240.260	Definitions
240.270	Restrictions and Regulated Articles
240.280	Movement of Regulated Articles
240.290	Issuance and Cancellation of Permits, Certificates of Inspection or Compliance Agreements
240.300	Attachment of Certificates, Permits or Agreements
240.310	Inspection and Disposal of Regulated Articles

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

240.320 Duration of Quarantine

AUTHORITY: Implementing and authorized by the Insect Pest and Plant Disease Act [505 ILCS 90].

SOURCE: Rules and Regulations Relating to the Insect Pest and Plant Disease Act, filed October 25, 1974, effective November 2, 1974; codified at 5 Ill. Reg. 10523; amended at 6 Ill. Reg. 3041, effective March 5, 1982; amended at 7 Ill. Reg. 1764, effective January 28, 1983; amended at 12 Ill. Reg. 8299, effective May 2, 1988; amended at 26 Ill. Reg. 14661, effective Sep 23, 2002.

SUBPART A: NURSERY AND NURSERY STOCK; INSPECTION; CERTIFICATES

Section 240.140 Fee Schedule

The Department shall charge and collect fees for inspection and issuance of certificates according to the following schedule:

a) Nursery Inspection

1	Acre	\$15.00
1.0-5.0	Acres	20.00
5.1-10	Acres	25.00
11-50	Acres	35.00
51-100	Acres	50.00
101-250	Acres	100.00
251-500	Acres	125.00
Over 501	Acres	0.35 per acre

Effective January 1, 2003, the nursery inspection fees shall be as follows:

<u>1 acre or less</u>	<u>\$25.00</u>
<u>over 1 acre but less than or equal to 5 acres</u>	<u>\$30.00</u>
<u>over 5 acres but less than or equal to 10 acres</u>	<u>\$40.00</u>
<u>over 10 acres but less than or equal to 50 acres</u>	<u>\$50.00</u>
<u>over 50 acres but less than or equal to 100 acres</u>	<u>\$75.00</u>
<u>over 100 acres but less than or equal to 250 acres</u>	<u>\$150.00</u>
<u>over 250 acres but less than or equal to 500 acres</u>	<u>\$180.00</u>
<u>over 500 acres (per acre)</u>	<u>\$ 0.50</u>

b) Greenhouses

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Greenhouses that request inspection shall be charged the special inspection and certificate fees in Section 240.140(d).

c) Nursery Dealer Certificates

Nursery dealer certificates shall be provided at the rate of \$15.00.

Effective January 1, 2003, the rate for a nursery dealer certificate shall be \$25.00.

d) Special (Requested) Inspections

Special inspections shall be charged at the rate of \$15.00 per hour or any fraction thereof of inspector's time (the time that it takes for the inspector to travel from the nearest field office to the inspection site, one-way only, shall be included in computing the inspector's time). Individual certificates for special inspections shall be charged at the rate of \$10.00 per certificate.

Effective January 1, 2003, the inspection rate charged for special inspections shall be \$25.00 per hour and the rate charged for individual certificates for special inspections shall be \$25.00 per certificate.

e) Original Certificates

An original certificate, which is required to accompany nursery stock and/or plants and plant products for shipment or sale verifying same free of insect pests and plant diseases, shall be issued at the rate of \$10.00 each when no inspection is required.

Effective January 1, 2003, the rate for original certificates shall be \$25.00 each.

(Source: Amended at 26 Ill. Reg. 14661, effective Sep 23, 2002)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 900
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
900.10	Amend
900.20	Amend
900.30	Amend
900.35	New
900.40	Amend
900.60	Amend
900.70	Amend
900.80	Amend
900.90	Amend
900.100	Amend
900.110	Amend
900.120	Amend
- 4) Statutory Authority: 30 ILCS 540
- 5) Effective Date of Amendments: September 19, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: May 24, 2002 26 Ill. Reg. 7497
- 10) Has JCAR issued a Statement of Objection to the amendments? No
- 11) Differences between proposal and final version:

Section 900.10(b) was rewritten.

The new language proposed in Section 900.30(c) was deleted.

Section 900.60 was rewritten.

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In Section 900.120(c), a reference to SAMS was added.
Several minor editing changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments implement changes to the Prompt Payment Act as amended by Public Act 92-384. The amendments shorten the time frame, from 90 to 60 days, in which an invoice payable from FY03 and later funds must be paid in order to avoid interest penalties under the Act. The rules remain unchanged for bills payable from FY02 and prior appropriations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Stephen W. Seiple
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

The full text of the adopted amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE

CHAPTER VIII: CENTRAL MANAGEMENT SERVICES

PART 900

JOINT RULES OF THE COMPTROLLER AND THE DEPARTMENT OF
CENTRAL MANAGEMENT SERVICES:
PROMPT PAYMENT

Section

900.10	Scope
900.20	Definitions
900.30	<u>General</u> Duties of State Agencies
<u>900.35</u>	<u>Duties of State Agencies: Interest Payments</u>
900.40	Statement Indicating That Interest Penalty May Be Available
900.50	Other Interest Provisions
900.60	When a Payment is Late
900.70	Approval by the State
900.80	Submission and Receipt of Bills
900.90	When and How Vendors Must Request Interest
900.100	Calculation of Interest
900.110	No Interest on Interest
900.120	Exclusions
900.130	Special Rules and Procedures Regarding the Application of the Act to the State Employee's Group Insurance Program
900.140	Resolution of Disputes

AUTHORITY: Implementing the State Prompt Payment Act [30 ILCS 540].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11168, effective July 1, 1993, for a maximum of 150 days; emergency expired November 28, 1993; adopted at 18 Ill. Reg. 11498, effective July 11, 1994; amended at 24 Ill. Reg. 19049, effective December 18, 2000; amended at 25 Ill. Reg. 11351, effective August 28, 2001; emergency amendment at 26 Ill. Reg. 10939, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 14666, effective Sep 19, 2002.

Section 900.10 Scope

- a) These rules are applicable to all State agencies as defined in the Illinois State Auditing Act (~~Ill. Rev. Stat. 1991, ch. 15, par. 301-1 et seq.~~) [30 ILCS 5] and shall be followed in determining whether and to what extent late payment interest is due.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) These rules apply to any bill for Goods or Services ~~payable paid~~ from funds appropriated by the General Assembly for periods that is received on and after July 1, 2002, and do not affect bills payable from funds appropriated for prior periods. ~~the effective date of these rules.~~
- c) ~~Any bill for Goods or Services received prior to the effective date of these rules will be processed in accordance with the methodology used by the agency responsible for payment at the time of receipt of the bill.~~

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

Section 900.20 Definitions

Except as otherwise defined in Section 900.130, the following definitions shall be used in interpreting these rules:

"Act" shall be defined as: the State Prompt Payment Act ~~(Ill. Rev. Stat. 1991, ch. 127, par. 132.400 et seq.)~~ [30 ILCS 540].

"Agency Head" shall be defined as: those persons given authority to approve payments ~~by voucher~~ for the various State officials and agencies as specified in the Act and Section 10 of the State Finance Act ~~(Ill. Rev. Stat. 1991, ch. 127, par. 146)~~ [30 ILCS 105/10].

"Bill" shall be defined as: the Vendor's standard bill or invoice for goods or services. For purposes of this Part, ~~bill Bill~~ shall include a State employee's travel voucher submitted when the State employee has paid for the travel and will be reimbursed by the State.

"DCMS" shall be defined as: the Department of Central Management Services.

"Date of Approval of the Vendor's Bill" shall be defined as: the date on which the Agency Head or designee signs the voucher requesting the Comptroller's Office ~~or other agent of the State to issue a warrant~~ to pay the bill. For agencies whose computer systems automatically record an approval date as a voucher is prepared, the "Date of Approval" shall be defined as the approval date recorded by the computer system.

"Date of Payment" shall be defined as: the date of issuance of the ~~payment warrant~~ by the Comptroller's office, ~~other State officials and agencies or other agent of the State.~~

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"Goods and Services" and "Goods or Services" shall be defined as: items of merchandise, supplies, raw materials, finished goods and duty, duties or labor rendered by one or more persons to a State official or agency for monetary or other consideration.

"Month" shall be defined as: any 30-day period.

"Proper Bill" shall be defined as: a bill or invoice containing sufficient and correct information necessary to process the payment for a liability of a State agency as provided in this Part, the Comptroller's Statewide Accounting Management System (SAMS) manual, or as otherwise specified by the State agency responsible for payment.

"Vendor" shall be defined as: seller of goods or services. For purposes of this Part, Vendor shall include State employees ~~employee~~ who submit ~~submits~~ a travel voucher for reimbursement to the employees ~~employee~~ for travel.

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

Section 900.30 General Duties of State Agencies

- a) It is the duty and responsibility of each State agency to develop and implement internal procedures that will permit full compliance with the provisions of the Act, this Part and the Comptroller's SAMS manual ~~Uniform Statewide Accounting System ("CUSAS")~~.
- ~~b) Interest penalty payments must be processed on a separate Invoice Voucher payable to the Vendor.~~
- ~~c) Interest penalty payments must be charged to the same expenditure authority account to which the related Goods or Services were charged. If the payment for Goods or Services was charged to an appropriation which has since been reappropriated, the interest penalty payment must be charged to the reappropriation.~~
- ~~d) In the event the appropriation originally charged for the Goods or Services is exhausted and not reappropriated, the State agency shall, if authorized by law, transfer and obligate funds into the proper appropriation pursuant to Ill. Rev. Stat. 1991, ch. 127, par. 149.2 [30 ILCS 105/13.2] for payment of the interest penalty.~~
- ~~e) In the event the appropriation originally charged with the Goods or Services is exhausted and the State agency has exhausted its transfer of funds authority pursuant to Ill. Rev. Stat. 1991, ch. 127, par. 149.2 [30 ILCS 105/13.2], the appropriation has lapsed or the agency has improperly refused to pay interest, Vendors may have recourse before the Court of Claims for payment of interest penalties.~~

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- ~~f) An interest penalty payment shall be deemed an outstanding liability of the fiscal year during which the contract for the Goods or Services giving rise to the interest penalty was entered.~~
- ~~b)g) All State agencies must maintain written or electronic records reflecting the date or dates on which:~~
- ~~1) the Goods were received and accepted or the Services were rendered;:-~~
 - ~~2) the Proper Bill bill was received by the State agency;:-~~
 - ~~3) the appropriation from which the payment is to be made became law, if such date is later than the date or dates recorded for subsection (g)(1) or (g)(2) above.~~
 - ~~3)4) approval for payment of a bill was given by the Agency; Head as indicated on the Invoice Voucher submitted to the Comptroller's Office.~~
 - ~~4) a Vendor bill was disapproved, in whole or in part, based upon a defect or what the State agency believes to be a defeat; and~~
 - ~~5) the payment was issued by the Comptroller's Office. ~~disapproval for payment of a bill was given by the Agency Head.~~~~
- ~~h) The above mentioned dates need not be maintained on a separate record. The dates may be maintained by:~~
- ~~1) keeping the original bill.~~
 - ~~2) date stamping the relevant dates on the bill.~~
 - ~~3) other reliable means as approved by each State agency.~~
- ~~i) All State agencies must provide to the Comptroller's Office the applicable dates listed above, as well as the Date of Payment, on or attached to the Invoice Voucher submitted for payment of the interest penalty.~~
- ~~j) Upon receipt of a Vendor's statement for the interest penalty, the State agency must respond to the Vendor's request within 60 days if the interest penalty is not appropriate under the Act, this Part, or the Comptroller's Uniform Statewide Accounting System manual, along with the reason why the interest penalty will not be paid. If requests for interest should be presented to the Court of Claims, that requirement should be communicated to the Vendor.~~

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

Section 900.35 Duties of State Agencies: Interest Payments

- a) Interest penalty payments must be processed on a voucher, separate from the voucher the State agency submits for payment of the bill, payable to the Vendor. The voucher submitted for payment of the interest penalty shall include the date from which the interest penalty is calculated, the date of payment of the bill, and the voucher number of the voucher submitted by the Agency for payment of the bill.

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- b) Interest penalty payments must be charged to the same expenditure authority account to which the related Goods or Services were charged, and indicate the detail object code for interest payable under the Act as specified in the SAMS manual. If the payment for Goods or Services was charged to an appropriation that has since been reappropriated, the interest penalty payment must be charged to the reappropriation.
- c) In the event the appropriation originally charged for the Goods or Services is exhausted and not reappropriated, the State agency shall, if authorized by law, transfer and obligate funds into the proper appropriation pursuant to 30 ILCS 105/13.2 for payment of the interest penalty.
- d) In the event the appropriation originally charged with the Goods or Services is exhausted and the State agency has exhausted its transfer of funds authority pursuant to 30 ILCS 105/13.2, the appropriation has lapsed or the agency has improperly refused to pay interest, Vendors may have recourse before the Court of Claims for payment of interest penalties.
- e) An interest penalty payment shall be deemed an outstanding liability of the fiscal year during which the contract for the Goods or Services giving rise to the interest penalty was entered.
- f) Upon receipt of a Vendor's written request or statement for the interest penalty, the State agency must respond to the Vendor's request within 60 days if the interest penalty is not appropriate under the Act, this Part, or the Comptroller's SAMS manual, along with the reason why the interest penalty will not be paid. If requests for interest should be presented to the Court of Claims, that requirement should be communicated to the Vendor.

(Source: Added at 26 Ill. Reg. 14666, effective Sep 19, 2002)

Section 900.40 Statement Indicating That Interest Penalty May Be Available

- a) ~~To comply with the Act's mandate that all State invoices or vouchers indicate that payment of interest may be available for failure to comply with the Act, the~~ The remittance ~~advice copy~~ of each commercial ~~payment Invoice Voucher for Goods or Services and Travel Voucher~~ must contain the following statement or words of similar meaning:
"Payment of interest may be available if the State fails to comply with the State Prompt Payment Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.400 et seq.) [30 ILCS 540]."
- b) In the case of electronic payments, the statement may be transmitted electronically or otherwise reflected within the information authorizing electronic payments. This statement may be placed on any available portion of either side of the remittance copy of the Invoice Voucher.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- ~~e) All State officials and agencies that create their own Invoice Voucher must include the statement indicating that an interest penalty may be available, as described above, on the remittance copy of each commercial Invoice Voucher and employee travel voucher.~~

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

Section 900.60 When a Payment is Late

~~For bills payable from funds appropriated prior to FY03, a A-payment is late if the Date of Payment is not within 60 days after the Date of Approval of the Vendor's billBill. For bills payable from funds appropriated on and after July 1, 2002, a payment is late if the Date of Payment is not within 60 days after the receipt of a Proper Bill.~~

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

Section 900.70 Approval by the State

- ~~a) A State agency shall review in a timely manner each bill after its receipt to determine if the bill is a Proper Bill. A bill is not a Proper Bill if it contains one of the following defects:~~
- ~~1) lacks sufficient and/or correct information required by the agency to process the bill;~~
 - ~~2) lacks the Vendor's taxpayer identification number or a completed Internal Revenue Service Form W-9 or Form 147C certifying that the Vendor's taxpayer identification number has been applied for but not received and the Vendor is not subject to backup withholding due to underreporting; or~~
 - ~~3) is directed to an address or person other than the one designated in written instructions from the State.~~
- ~~ba) An agency shall approve Proper Bills or deny bills with defects, in whole or in part, within 30 days after receipt. Vendor bills denied during this 30 day period shall be assigned a new Date of Receipt when a corresponding Proper Bill is subsequently received. An agency shall review each Vendor's bill and shall either deny the bill in whole or in part, ask for more information necessary to review the bill, or approve the bill in whole or in part, within 30 days after physical receipt of the bill.~~
- ~~c) The State agency shall notify the Vendor upon the discovery of a defect, as soon as possible. The notification shall indicate the nature of the defect and any additional information necessary to correct the defect. The notification may be verbal or in writing, as the agency may determine is appropriate given the circumstances surrounding the payment and the nature of the defect in the bill. The State agency~~

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- shall maintain adequate documentation of all such notifications and subsequent agency and Vendor actions so as to determine when and from what date late payment interest is due and to resolve any related Vendor disputes.
- ~~d)b)~~ If a Vendor bill is approved, in whole or in part, after the required 30 day period to approve or deny bills, late payment interest shall be due for the approved portion of the bill if the Date of Payment is not within 60 days after receipt of the Proper Bill or part of the bill. If the Date of Approval of the Vendor's bill is after this 30-day period or the bill is denied after the 30-day period and subsequently approved, late payment interest shall be due if the Date of Payment is not within 90 days (30 days for approval and 60-day for payment) after receipt of the bill.
- ~~e)~~ If a Vendor bill is denied, in whole or in part, after the required 30 day period to approve or deny bills and the denied bill or part of bill is subsequently approved for payment as originally submitted and denied, late payment interest shall be due for the approved portion of the bill if the Date of Payment is not within 60 days after original receipt of the Proper Bill or part of the bill. Vendor bills denied, in whole or in part, and not subsequently approved for payment as originally submitted and denied shall be assigned a new Date of Receipt when a Proper Bill is subsequently received.
- ~~f)e)~~ If the agency and the Vendor have not formally executed a contract and State law requires a written contract, any bills submitted before the formal execution shall be deemed to be received when the contract is executed. State law allows payments to be made only after the formal contract is executed for Supplies or Services over \$10,000 or Professional and Artistic Services over \$5,000.

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

Section 900.80 Submission and Receipt of Bills

- a) A bill submitted ~~incomplete~~, lacking sufficient ~~and/or correct~~ detail information required by the State agency to process the bill, lacking taxpayer identification number, or to an address or person other than one designated in written instructions from the State shall not be considered ~~a Proper Bill physically received~~ until it is completed, additional information detail provided, or it reaches the proper address or person.
- b) A bill submitted lacking the Vendor's federal taxpayer identification number shall not be considered ~~a Proper Bill physically received~~ until the Vendor provides the taxpayer identification number or a completed Internal Revenue Service Form W-9 or Form 147C certifying that the Vendor's taxpayer identification number has been applied for but not received and that the Vendor is not subject to backup withholding due to underreporting.
- c) A bill ~~physically~~ received prior to acceptance of Goods or Services by the State shall

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- be considered ~~a Proper Bill received~~ no earlier than the date of acceptance. Acceptance means the date on which the State, to the best of its ability at that time, determines contract requirements have been met. Acceptance for late payment calculation shall not be used by any Vendor to show acceptance of the Goods or Services for any other purpose.
- d) A bill ~~physically~~ received after acceptance of Goods or Services ~~may shall~~ be considered ~~a Proper Bill received~~ no earlier than the date of ~~physical~~ receipt of the bill.
 - e) A Vendor may submit bills for future performance, such as to make lease or installment purchase payments, in advance of scheduled due dates, but such bills for purposes of this Part shall not be considered received by the State any earlier than when the future performance by the vendor begins.
 - f) When the parties do not contemplate submission of a physical bill to the State, such as to make scheduled payments per the terms of a contract, the date of final receipt or acceptance, whichever is later, of the Goods or Services shall be considered the date of the bill.
 - g) State employees who are reimbursed by the State for their travel may receive late payment interest in accordance with this Part.

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

Section 900.90 When and How Vendors Must Request Interest

- a) Interest amounting to \$50 or more need not be requested by a Vendor. Agencies are responsible for calculating and paying such interest and are to do so within a reasonable time.
- b) Interest amounting to \$5 but less than \$50 must be requested by the Vendor.
 - 1) The Vendor must submit a written statement to the appropriate State agency specifically requesting the State agency to pay an interest penalty to the Vendor.
 - 2) The statement must include a description of the original transaction, the Vendor's taxpayer identification number, the date of the Vendor's invoice, the invoice amount and the date the bill was presented to the Agency.
 - 3) The statement should, if possible, include the Vendor's invoice number, the voucher number, the appropriation account code, the obligation number ~~(for contracts over \$5,000)~~, the exact name of the Vendor or payee as the name appeared on the payment warrant, an estimate of the date upon which the interest penalty begins to accrue and any other information reasonably needed by the State agency to verify the interest penalty payment.
 - 4) A request for the late payment interest penalty should be submitted within 90

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days after the Date of Payment.

- 5) Agencies are responsible for paying such interest and are to do so within a reasonable time.
- 6) Upon written request by the Vendor, an agency must disclose to the Vendor the date upon which an interest penalty begins to accrue.
- c) Interest amounting to less than \$5 will not be paid by the State, whether or not requested.
- d) Interest is to be calculated for each individual Vendor bill received. A determination of whether an interest penalty is owed is to be made for each individual bill and may not be based upon summing interest from two or more bills together. If a State agency divides a Vendor bill into parts for payment from multiple funding sources, interest is to be calculated for each individual part in order to determine if interest is owed for that part of that bill.

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

Section 900.100 Calculation of Interest

- a) Interest is calculated at the rate of 1% per month. This results in a daily interest factor of .00033 (.01/30).
- b) For each day payment is late, the amount late shall be multiplied by the daily interest factor to determine the late payment charge.
- c) The interest penalty shall be simple interest and not compound interest, meaning that the interest penalty is computed on the amount of the bill only and shall not include previously accrued interest.
- d) Interest shall begin accruing on the 61st day after receipt of a Proper Bill and shall continue to accrue until the bill is paid by the Comptroller's Office.
- ~~e)d~~) Interest shall not accrue on the Date of Payment. In the event the Date of Payment is the same date that interest begins to accrue, there shall be no interest payable by the State for purposes of efficiency to the State.

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

Section 900.110 No Interest on Interest

A request for payment of interest under this Act is not considered a bill and, therefore, not subject to the provisions of the Act; interest is not paid on an interest ~~calculated for a bill approved for~~ payment.

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

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Section 900.120 Exclusions

The following non-exhaustive list represents the types of payments that are excluded from the Act and consequently do not qualify for interest penalties:

- a) Inter- and intra-agency payments. This includes transfers and payments to revolving funds, reimbursement of petty cash funds and imprest accounts, inter-fund transfers and inter-fund payments in which an agency or department serves as the Vendor of Goods or Services.
- b) Payments to State employees for personal services (salary only and not including health insurance benefits).
- c) Awards and grants, as defined by the Comptroller's Office in SAMS Manual Procedure 15, including pass-through grants and distributive payments and refunds.
- d) Contract retainers associated with construction contracts.
- e) State Board of Education categorical grants.
- f) Community College Board grants.
- g) Illinois Student Assistance Commission grants.
- h) Payments to local government entities, including school districts.
- i) Payments of interest penalties.
- j) Payments made to contractual employees (these payments are generally made via ~~an~~ a Contractual Services Payroll Service-Voucher).
- k) Deleted
- l) Payments from accounts or funds not appropriated by the General Assembly.
- m) Gratuitous payments made to induce a business to remain in or to locate in this State.
- n) Any type of payment to a Vendor assigned or sold by that Vendor to a different payee, including any assignments made by the Vendors to the Department of Public Aid.
- o) Barter transactions.
- p) Payments made by a State agency comprised of federal funds only and no State or local funds.
- q) Medical and claims payments under the Workers' Compensation and Workers' Occupational Diseases Acts.
- r) Tax refunds.
- s) State Employee's Group Insurance Program payments covered by late payment interest provisions in 5 ILCS 375/6.12.

(Source: Amended at 26 Ill. Reg. 14666, effective Sep 19, 2002)

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 330
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
330.10	Amend
330.20	Amend
330.30	Amend
330.35	New
330.40	Amend
330.60	Amend
330.70	Amend
330.80	Amend
330.90	Amend
330.100	Amend
330.110	Amend
330.120	Amend
- 4) Statutory Authority: 30 ILCS 540
- 5) Effective Date of Rulemaking: September 19, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: 26 Ill. Reg. 7511; May 24, 2002
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposed and final version: This Part is a joint rulemaking of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900. Differences between the proposal and final version are as follows: (1) Section 900.10(b) was rewritten; the new language proposed in Section

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900.30(b) was deleted; Section 900.60 was rewritten; Section 900.120(c) added a reference to SAMS; and several minor editing changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments implement changes to the Prompt Payment Act as amended by P.A. 92-384. The amendments shorten the time frame, from 90 to 60 days, in which an invoice payable from FY03 and later funds must be paid in order to avoid interest penalties under the Act. The rules remain unchanged for bills payable under FY02 and prior appropriations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Whitney Wagner Rosen
Office of the Comptroller
201 State Capitol
Springfield, Illinois 62706
217/782-0905

The full text of the adopted amendments may be found in this issue of the *Illinois Register* at Department of Central Management Services' amendments for Part 900 because this is a joint rulemaking with that agency.

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- 1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting
- 2) Code Citation: 17 Ill. Adm. Code 550
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
550.10	Amendment
550.20	Amendment
550.30	Amendment
- 4) Statutory Authority: Implementing and authorized by 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].
- 5) Effective Date of Amendments: September 20, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 7, 2002; 26 Ill. Reg. 8226
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to update sites open for hunting and to add information on penalties.

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

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 550
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10	General Regulations
550.20	Statewide Regulations
550.30	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by 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].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective June 19, 2000; amended at 25 Ill. Reg. 9895, effective July 17, 2001; amended at 26 Ill. Reg. 14680, effective Sep 20, 2002.

Section 550.10 General Regulations

- a) It is unlawful to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) in counties open for deer hunting during the firearm

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deer hunting season as specified in 17 Ill. Adm. Code 650.10, except coyotes may be taken during legal deer hunting hours, only with a shotgun loaded with slugs or a muzzle-loading firearm, and only by persons in possession of a valid unfilled firearms deer permit, during the firearm deer season as specified in 17 Ill. Adm. Code 650.10. .22 rimfire rifles may be used to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) during the hunting seasons for taking white-tailed deer by use of muzzleloading rifles (17 Ill. Adm. Code 660.10) and handguns (17 Ill. Adm. Code 680.10) provided the hunting season for raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) is also open as specified in 17 Ill. Adm. Code 550.20. Violation is a Class B misdemeanor (see 520 ILCS 5/2.30).

- b) Game breeding and licensed hunting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code [520 ILCS 5/3.27] and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/3.28 and 3.29] are exempt from the provisions of this Part.

(Source: Amended at 26 Ill. Reg. 14680, effective Sep 20, 2002)

Section 550.20 Statewide Regulations

- a) Raccoon, Opossum
- 1) Zones: The State of Illinois is divided by U.S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.
 - 2) Northern Zone hunting dates: November 5 through the next following February 10, except as noted in Section 550.10(a) of this Section. Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 3) Southern Zone hunting dates: November 10 through the next following February 15, except as noted in Section 550.10(a). Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 4) Hunting hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for hunting at sunrise; during archery deer season, raccoon and opossum bow hunting hours shall coincide with the statewide archery deer hunting hours as specified in Section 2.26 of the Wildlife Code [520 ILCS 5/2.26]; otherwise, hours are unrestricted. Hunting prior to sunrise on opening day is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise on opening day or during the archery deer season, or hunting after ½ hour after sunset during the archery deer season, is a Class A misdemeanor with a minimum \$500 fine, and a maximum \$5,000 fine, in addition to other statutory penalties (see

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520 ILCS 5/2.33(y).

- 5) Daily limit and possession limit: None.
- b) Red fox and gray fox
- 1) Hunting dates: November 10 through the next following January 31, except as noted in Section 550.10(a). Hunting outside the season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 2) Hunting hours: Opens November 10 for hunting at sunrise; during archery deer season, red fox and gray fox bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted. Hunting prior to sunrise on opening day is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise on opening day or during the archery deer season, or hunting after ½ hour after sunset during the archery deer season, is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
 - 3) Daily limit and possession limit: None.
- c) Coyote and Striped Skunk
- 1) Hunting dates: Year around except as noted in Section 550.10(a).
 - 2) Hunting hours: One-half hour before sunrise to one-half hour after sunset, except during the red fox and gray fox hunting season when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours shall coincide with the statewide archery deer hunting hours. Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties, except during fox hunting season when hours are unrestricted (see 520 ILCS 5/2.33(y)).
 - 3) Daily limit and possession limit: None.
- d) Woodchuck (groundhog)
- 1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a). Hunting outside the season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 2) Hunting hours: Sunrise to sunset. Hunting from ½ hour before sunrise to sunrise or from sunset to ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
 - 3) Daily limit and possession limit: None.

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(Source: Amended at 26 Ill. Reg. 14680, effective Sep 20, 2002)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
- c) .22 rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

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Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Falling Down Prairie

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Hanover Bluff-Kopper Tract

Horseshoe Lake Conservation Area – Alexander County (Public Hunting Area except Controlled Hunting Area)

I-24 Wildlife Management Area

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)
(statewide seasons for coyote and striped skunk)~~

Johnson Sauk Trail State Recreation Area (archery only; coyote and fox only; site coyote season runs concurrently with the site archery deer season; site fox season begins when the statewide fox season opens, runs concurrently with the site archery deer season, and closes the earlier of either the statewide fox season closing or the site archery deer season closing)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (coyote and fox only; fox statewide season or closes first Thursday after January 10, whichever comes first; coyote open concurrent with fox season; hunting hours are one half hour before sunrise until sunset)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens

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day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed)
(c)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in
Eagle Roost Area)

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7
days before opening of duck season and remains closed through the duck season;
at Oakwood Bottoms non-toxic shot only)

Sielbeck Forest Natural Area

Siloam Springs State Park

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be
used from sunset-sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinburg-King State Park (c)(d)

Wildcat Hollow State Forest

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Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

- g) Violation of site-specific regulation is a Class B misdemeanor. Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection (b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (coyote only, shotgun or bow and arrow)

Crawford County Conservation Area

Eagle Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

~~East Conant Field~~

Fox Ridge State Park

Green River State Wildlife Area (skunk and coyote close the last day of February; .22 rimfire firearms permitted from 30 minutes after sunset until 30 minutes before sunrise)

Hamilton County Conservation Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

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Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Jim Edgar Panther Creek State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

Middle Fork Fish and Wildlife Management Area

Moraine View State Park (season opens after site's controlled pheasant season; night hunting only)

[Pyramid State Park – Captain Unit \(no hunting on waterfowl refuge during waterfowl season\)](#)

[Pyramid State Park – Denmark Unit \(no hunting on waterfowl refuge during waterfowl season\)](#)

[Pyramid State Park – East Conant Unit](#)

[Pyramid State Park – Galum Unit](#)

Ramsey Lake State Park

Saline County Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest (coyote and striped skunk seasons – opening of the

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statewide racoon season until the day before opening of the statewide spring turkey season)

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and striped skunk hunting only; statewide seasons for fox, coyote and striped skunk except, during central zone duck and Canada goose season, hunters pursuing waterfowl or upland game may take fox, coyote and striped skunk with shotgun only in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed; .22 rimfire firearms permitted 24 hours a day)

Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

Wolf Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

h) Violation of a site regulation is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 26 Ill. Reg. 14680, effective Sep 20, 2002)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Thoroughbred Breeders' Cup
- 2) Code Citation: 11 Ill. Adm. Code 1441
- 3) Section Number: 1441.60 Adopted Action:
New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: October 1, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 8757 – 6/21/02
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking permits the racetrack to retain all purse money until all drug testing has been completed by the Board laboratory.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Mickey Ezzo
Illinois Racing Board 312/814-5017
100 W. Randolph, Ste. 11-100
Chicago IL 60601

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

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ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING

PART 1441
THOROUGHBRED BREEDERS' CUP

Section

1441.10	Rules and Regulations
1441.20	Illinois as the Host State
1441.30	Entries
1441.40	Pick (n) Pools
1441.50	Turnstiles
<u>1441.60</u>	<u>Distribution of Purses</u>

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

SOURCE: Adopted at 26 Ill. Reg. 8152, effective June 1, 2002; amended at 26 Ill. Reg. 14691, effective Oct 01, 2002.

Section 1441.60 Distribution of Purses

No purse money shall be distributed until all drug testing has been completed by the Board laboratory.

(Source: Added at 26 Ill. Reg. 14691, effective Oct 01, 2002)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
150.410	Amendment
150.430	Amendment
- 4) Statutory Authority: [20 ILCS 2610/9]
- 5) Effective Date of Rulemaking: September 23, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 24, 2002; 26 Ill. Reg. 7713
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference(s) between proposal and final version: A ten (10) year time frame was included to allow officers hired before 1999 to complete a Bachelor's Degree.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Sections 150.410 and 150.430 – This rulemaking changes will change the testing cycle to every 24 months for all ranks and require a Bachelor's Degree for candidates testing to the ranks of Lieutenant and Captain.
- 16) Information and questions regarding these adopted amendments shall be directed to:

James E. Seiber, Executive Director

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

State Police Merit Board
3180 Adloff Lane, Suite 100
Springfield IL 62703
217/786-6240

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

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer

DEPARTMENT OF STATE POLICE MERIT BOARD

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150.540	Petition for Review
150.550	Form and Content of Petition for Review
150.560	Filing Procedures
150.565	Procedure for Processing Petition for Review
150.570	Director's Review
150.575	Discipline Afforded the Director
150.580	Complaint Procedures
150.585	Scheduling the Hearing
150.590	Notification to Officer

SUBPART F: HEARINGS

Section	
150.610	Board Docket
150.620	Hearing Officer
150.630	Pre-hearing Conferences
150.640	Motions
150.650	Subpoenas
150.655	Request for Witnesses or Documents
150.660	Evidence Depositions
150.665	Hearing Procedures
150.670	Continuances and Extensions of Time
150.675	Computation of Time
150.680	Decisions of the Board
150.685	Service and Form of Papers

APPENDIX A Vision Standards (Repealed)

APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983;

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective January 5, 2000; emergency amendment at 24 Ill. Reg. 16103, effective October 12, 2000, for a maximum of 150 days; emergency expired March 11, 2001; amended at 25 Ill. Reg. 10853, effective August 10, 2001; amended at 26 Ill. Reg. 9968, effective June 19, 2002; amended at 26 Ill. Reg. 14694, effective Sep 23, 2002.

SUBPART D: CERTIFICATION FOR PROMOTION

Section 150.410 Board Responsibilities

The Board shall make certifications for promotion on the basis of job performance measurement, seniority, education, and written and/or oral examination. Examinations for promotion will be given ~~at least every 24 12~~ months for the ranks of Sergeant, and Master Sergeant, ~~and every 24 months for the ranks of~~ Lieutenant and Captain with notification of time and location to be provided in the promotional announcement. The promotion process for the rank of Major will be initiated when the Illinois State Police makes written request nominating a candidate for that rank.

(Source: Amended at 26 Ill. Reg. 14694, effective Sep 23, 2002)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 150.430 Procedures

- a) The Board will provide each officer with official notification announcing the examination and requesting a written response respecting the officer's intention to participate.
- b) Candidates for promotion must complete examinations at the time designated by the Board in the official notification. No exceptions will be allowed.
- c) Such candidates must have taken the most recent examination offered by the Board to be eligible for certification for promotion. All candidates taking the examination for each rank will be advised of their total promotional score and standing.
- d) Promotional Process Components
The total promotional score will consist of combined standardized scores or respective percentage weights of the components designated for each rank:

<u>Components</u>	
<u>Sergeant and Master Sergeant:</u>	
<u>Job Knowledge Test</u>	<u>50%</u>
<u>Performance Appraisal</u>	<u>45%</u>
<u>Seniority in Rank</u>	<u>Up to 5 points</u>
<u>Lieutenant and Captain:</u>	
<u>Job Knowledge Test, Performance Appraisal and Assessment Exercise, combined</u>	<u>95%</u>
<u>Seniority in Rank</u>	<u>Up to 5 points</u>

<u>Components</u>	<u>Sgt, Msg</u>	<u>Lt, Capt</u>
<u>Written Examination</u>	<u>50% X</u>	<u>X</u>
<u>Performance Appraisal</u>	<u>45% X</u>	<u>X</u>
<u>Seniority in Rank</u>	<u>5X</u>	<u>X</u>
<u>Assessment Exercise</u>	<u>NA</u>	<u>X</u>

DEPARTMENT OF STATE POLICE MERIT BOARD

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- e) Candidates for the ranks of Lieutenant and Captain will participate in a written examination, and an assessment exercise, as well as receive a performance appraisal, and a seniority score. The combined score will be standardized to a 100 ~~one hundred~~ point scale. The top 65% of all Master Sergeants and Lieutenants participating in the total promotional process will be certified by the Board. All candidates competing for the ranks of Lieutenant and Captain must possess a Bachelor's Degree. Those candidates hired before 1999 will be granted 10 years to complete a Bachelor's Degree. The 10 year period will begin on January 1, 2003 and end on December 31, 2013. Candidates must have graduated with a "C" average or better from an accredited college or university, as certified by the registrar of the college or university. The college or university must be accredited by one of the following associations:
- 1) Middle States Association of Colleges and Schools;
 - 2) North Central Association of Colleges and Schools;
 - 3) New England Association of Schools and Colleges;
 - 4) Northwest Association of Schools and Colleges;
 - 5) Southern Association of Colleges and Schools;
 - 6) Western Association of Schools and Colleges.
- f) The Board will certify to the Director the top 65% of those Troopers, Special Agents and Sergeants participating in the total promotional process.
- g) There will be a statewide certification list for the rank of Captain. The certification lists for Sergeant and Master Sergeant will be according to Districts and the certification lists for Lieutenant will be according to Regions, as defined jointly by the Illinois State Police and the Illinois State Police Merit Board for promotional purposes.
- h) The top 10 candidates on each certification list for all ranks are equally eligible for promotion by the Director; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration. The Director may promote accordingly any one of the eligible candidates in accordance with Equal Employment Opportunity Commission regulations (29 CFR 1600 et seq. (July 1, 1982)) and Illinois Department of Human Rights guidelines.
- 1) As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration;
 - 2) Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score

DEPARTMENT OF STATE POLICE MERIT BOARD

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becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration.

- i) Upon written notification from the Department to the Board that a candidate on the certification list has been suspended, is on leave of absence, or has applied for disability benefits, the Board will remove the candidate's name from the certification list. The candidate's name will be restored on the list in a position in proper relation to the total promotional scores remaining when the suspension or leave of absence terminates or the disability is removed.
- j) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.
- k) Candidates for the rank of Major will be nominated to the Board by written request from the Illinois State Police. The Board will review the position requirements, candidate information and any written/oral examinations necessary to determine if the candidate will be certified for promotion.

(Source: Amended at 26 Ill. Re g. 14694, effective Sep 23, 2002)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Superfecta
- 2) Code Citation: 11 Ill. Adm. Code 311
- 3) Section Number: 311.40 Emergency Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of amendment: September 16, 2002
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date Filed with the Index Department: September 16, 2002
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Prior to the adoption of Section 1413.48 (effective August 1, 2002), racetracks were permitted to offer superfecta wagers on all races (with at least seven betting interests starting the race). However, an unintended result of Section 1413.48 negatively affected the racetracks ability to offer superfecta wagering as it prohibits the wager from being offered when an uncoupled entry exist, except in stakes races with purses over \$25,000. The adoption of Section 1413.48 precludes superfectas from being carded when uncoupled entries exist. Arlington Park continues to receive complaints from fans as to why superfectas do not exist on certain races. The inability of racetracks to card superfecta wagers translates to lost revenue to the State of Illinois, horseman, and racetracks.
- 10) A Complete Description of the Subjects and Issues Involved: Prior to the adoption of Section 1413.48, the uncoupling of separate owner entries was only permitted at the discretion of the stewards. However, the adoption of Section 1413.48 eliminated the mandatory coupling of separate owner entries. An additional rule change should have been proposed (amend part 311 – Superfecta) to permit racetracks to offer superfecta wagering when uncoupled entries exist.
- 11) Are there any proposed amendments to this Part pending? No.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 13) Information and questions regarding this amendment shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Ste. 11-100
Chicago, Illinois
312/814-5017

The full text of the emergency amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 311
SUPERFECTA

Section	
311.10	Superfecta
311.20	Pool Distribution
311.25	Scratches
311.30	Dead Heats
311.35	Minimum Fields
311.40	Entries

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

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. 6663, effective May 1, 1995; amended at 26 Ill. Reg. 4903, effective March 20, 2002; amended at 26 Ill. Reg. 12357, effective August 1, 2002; emergency amendment at 26 Ill. Reg. 14702, effective September 16, 2002, for a maximum of 150 days

Section 311.40 Entries

- a) For thoroughbred racing, entries, either coupled or uncoupled, shall be allowed in a superfecta race under the following conditions:
 - 1) one entry requires at least seven betting interests at the start of the race.
 - 2) two entries requires at least eight betting interests at the start of the race.
 - 3) more than two entries shall require approval from the Executive Director or the State Director of Mutuels.
- ~~a) Only one entry (i.e., two or more horses with a common interest) either coupled or uncoupled (see 11 Ill. Adm. Code 1312.265 and 1413.48) shall be allowed in a superfecta race so long as it is a stakes race with a minimum purse of \$25,000.~~
- ~~b) For overnight thoroughbred races, one coupled entry shall be allowed.~~
- ~~c) This Section shall not apply to races that are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)] or for uncoupled entries permitted in 11 Ill. Adm. Code 1413.114(c) when there are thoroughbred stakes races with purses of \$250,000 or more.~~

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 14702, effective September 16, 2002, for a maximum of 150 days)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1001.410	Amend
1001.443	New
1001.444	Re-number and Amend
- 4) Statutory Authority: Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), (d) and (h), 6-206(c)3, and 11-501(i) of the Illinois Vehicle Code [625 ILCS 5/ 2-104, 6-103, 6-205(c), (d) and (h), 6-206(c)3, and 11-501(i)].
- 5) Effective Date of Amendments: September 20, 2002
- 6) If these amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: No early expiration date has been set.
- 7) Date filed with the Index Department: September 20, 2002
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is in the Department's Springfield and Chicago offices and is available for public inspection.
- 9) Reason for Emergency: Public Act 92-248 (SB 823, effective 8/3/01) amended Sections 6-205(h) and 11-501(i) the Illinois Vehicle Code (IVC) to require that the Secretary of State to require the use of an ignition interlock device on all vehicles owned by people who are convicted of driving under the influence (§11-501 of the IVC) a second or subsequent time. This bill was proposed by the Illinois Department of Transportation in response to federal legislation. (See the Transportation Equity Act for the 21st Century (TEA-21), H.R. 2400, P.L. 105-178, and its technical corrections bill, entitled TEA-21 Restoration Act, P.L. 105-206.) Section 1406 of the Act amended chapter 1 of Title 23, USC by adding Section 164, which established a transfer program under which a percentage of a state's federal-aid highway construction funds will be transferred to the state's apportionment under Section 402 of Title 23 USC, if the state fails to enact and enforce a conforming "repeat intoxicated driver" law. The rules of Federal Highway Administration, at 23 CFR 1275, provided that, to avoid the transfer of funds, a state

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must enact and enforce a law which establishes, as a minimum penalty, that all repeat intoxicated drivers shall.

- (1) Receive a driver's license suspension of not less than one year;
- (2) Be subject to either—
 - (i) The impoundment of each of the driver's motor vehicles during the one-year license suspension;
 - (ii) The immobilization of each of the driver's motor vehicles during the one-year license suspension; or
 - (iii) The installation of a State approved ignition interlock system on each of the driver's motor vehicles at the conclusion of the one-year license suspension;
- (3) Receive an assessment of their degree of alcohol abuse, and treatment as appropriate; and
- (4) Receive a mandatory sentence of—
 - (i) Not less than five days of imprisonment or 30 days of community service for second offense; and
 - (ii) Not less than ten days of imprisonment or 60 days of community service for a third or subsequently offense.

23 CFR Section 1275.4. See Vol. 63 Fed. Reg. No.201 (19 Oct 1998).

The deadline for implementing this federal regulation, imposed on the Secretary of State by the Illinois Department of Transportation, is 9/20/02. This emergency rule is the product of extensive negotiation between the Office of the Secretary of State and the Illinois Department of Transportation.

- 10) A Complete Description of the Subjects and Issues Involved: As stated above, the Illinois Vehicle Code was amended to provide that the Secretary of State shall require the use of an ignition interlock device on all vehicles owned by people who are convicted of driving under the influence (§11-501 of the IVC) a second or subsequent time. This rulemaking amends 92 Ill. Adm. Code 1001, Subpart D, to define who is subject to the rule. The new Section proposed by the rulemaking further clarifies the definition or meaning of the word "owns" for purposes of the rule; requires that those multiple offenders who are subject to the rule (i.e., multiple offenders who are granted driving relief) must certify to the Department of Administrative Hearings that an interlock device has been installed on all of the vehicles which the offender owns; specifies the manner in which this certification shall be provided; provides for the manner in which certification shall be verified by the Department of Administrative Hearings; and states what sanctions shall be imposed for a violation of this rule.

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(It should be noted that the Secretary of State already requires multiple offenders to install an interlock device on any vehicle which he or she proposes to drive pursuant to the issuance of a restricted driving permit. This rulemaking requires that an interlock be installed on every vehicle which the multiple offender owns, regardless of whether he or she intends to drive it. It includes multiple offenders who decline to accept the offer of a restricted driving permit prior to the reinstatement of their driving privileges.)

This emergency rulemaking will be followed by the regular rulemaking process.

- 11) Are there any other proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: This proposed amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 13) Information and questions regarding these amendments shall be directed to:

Marc Christopher Loro, Legal Advisor
Department of Administrative Hearings
200 Howlett Building
Springfield, Illinois 62756
(217) 785-8245
Fax: (217) 782-2192
mloro@ilsos.net

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section

1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers
1001.100	Conduct of Formal Hearings
1001.110	Orders
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section

1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Locations; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN DRIVER'S
LICENSE SUSPENSIONS AND REVOCATIONS

OFFICE OF THE SECRETARY OF STATE

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Section

1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions
1001.370	Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section

1001.400	Applicability
1001.410	Definitions

EMERGENCY

1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441	Breath Alcohol Ignition Interlock Device Program
1001.442	Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions

1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock ProgramEMERGENCY

1001. 444 443	Installer's Installers' Responsibilities
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EMERGENCY

1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDP's
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

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SUBPART E: FORMAL MEDICAL HEARINGS

Section

1001.500	Applicability
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS
UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED
DRIVING PERMITS

1001.600	Applicability
1001.610	Definitions
1001.620	Burden of Proof
1001.630	Implied Consent Hearings; Religious Exception
1001.640	Implied Consent Hearings; Medical Exception
1001.650	Rebuttable Presumption
1001.660	Alcohol and Drug Education and Awareness Program
1001.670	Petition for Restricted Driving Permits
1001.680	Form and Location of Hearings
1001.690	Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

1001.700	Applicability
1001.710	Definitions
1001.720	Organization of Motor Vehicle Review Board
1001.730	Motor Vehicle Review Board Meetings
1001.740	Board Fees
1001.750	Notice of Protest
1001.760	Hearing Procedures
1001.770	Conduct of Protest Hearing
1001.780	Mandatory Settlement Conference
1001.785	Technical Issues
1001.790	Hearing Expenses; Attorney's Fees
1001.795	Invalidity

OFFICE OF THE SECRETARY OF STATE

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APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implements Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790,

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effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg. 13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or other drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution that is either vocational in nature or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited educational institution" means any school or institution, whether public or private, ~~that which~~ offers classes or courses of instruction and ~~that which~~ is reviewed and approved or granted a waiver of approval by the controlling State agency.

"Alcohol" means ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol and Drug Evaluation (Investigative)" means a typewritten report that conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form prescribed by the Department. This evaluation will be conducted as required

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pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 10 years for which the petitioner/respondent did not or was not required to submit to the Secretary an alcohol/drug evaluation to obtain driving privileges; or

there is evidence that the petitioner/respondent may be a user of alcohol or any other drug to a degree ~~that which~~ renders the person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

"Alcohol and drug evaluation (out-of-state)" means a typewritten report ~~that which~~ conforms to standards established by the Department as specified in Section 1001.440(a)(6)(C) of this Subpart.

"Alcohol and drug evaluation (uniform report)" means a typewritten report ~~that which~~ conforms to standards established by the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse (OASA). (See 77 Ill. Adm. Code 2060.503.) The evaluation must be completed on a form prescribed by OASA. The evaluation must be signed and dated by both the evaluator and the petitioner.

"Alcohol and drug evaluation (update)" means a typewritten report ~~that which~~ conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.440(a)(6)(A) of this Subpart.

"Alcohol and drug related driver risk education course" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles, also referred to as a DUI driver remedial program, ~~that which~~ conforms to the standards established by OASA. (See 77 Ill. Adm. Code 2060.505.)

"Alcohol setpoint" means the minimum or nominal BrAC (0.025) at which a device is set to lock a vehicle's ignition.

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"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

"BAIID Permittee" means a BAIID petitioner who has been issued an RDP as a result of a hearing.

"BAIID Multiple Offender" means anyone who is required to install an interlock device on all vehicles that he or she owns, pursuant to Sections 6-205(h) and 11-501(i) of the IVC.

"BAIID petitioner" means anyone who, if issued restricted driving permits, may not operate a motor ~~that which~~ vehicle unless it has been equipped with an interlock device as defined in this Section, as required by Sections 6-205(c) and 6-206(c)3 of the IVC.

"Breath Alcohol Ignition Interlock Devices (BAIID)" means a mechanical unit that is installed in a vehicle ~~that which~~ requires the taking of a BrAC test prior to the starting of a vehicle. If the unit detects a BrAC test result below the alcohol setpoint, the unit will allow the vehicle ignition switch to start the engine. If the unit detects a BrAC test result above the alcohol setpoint, the vehicle will be prohibited from starting. The unit or combination of units, to be approved by the Secretary, shall measure breath alcohol concentrations by breath analysis and shall include both simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"Certified Controlled Reference Sample" means a suitable reference of known ethyl alcohol concentration.

"Chemical ~~test~~Test" means the chemical analyses of a person's blood, urine, breath or other bodily substance performed according to the standards promulgated by the Department of State Police. (See 20 Ill. Adm. Code 1286.)

"Circumvention" means an overt, conscious effort to bypass the BAIID or any other act intended to start the vehicle without first taking and passing a breath test.

"Clinical Impression" means a qualified treatment professional's (see Section

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1001.440(b)(2) through (b)(6)) opinion regarding the effectiveness of substance abuse treatment provided to an individual and the likelihood of future alcohol/drug-related problems. This constitutes the treatment professional's most reasonable clinical judgment based on direct involvement with the individual throughout the course of treatment. It should not be interpreted as a definitive statement regarding the likelihood of future alcohol/drug-related problems.

"Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative Program" means an alcohol or drug evaluation, an alcohol or drug-related driver risk education course, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change a petitioner's driving problem as evidenced by the petitioner's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.)

"Device" means a breath alcohol ignition interlock device approved by the Secretary.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc., from individuals who have regular, frequent contacts with the petitioner (e.g., spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states ~~that which~~ deals with the problems of: issuing ~~driver's drivers'~~ licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states. The Compact has been codified in Illinois and is found in Chapter 6, Article VII of the Code.

"DUI" means driving under the influence.

"DUI disposition" means any conviction or supervision for DUI, or any

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conviction for reckless homicide when alcohol and/or drugs is recited as an element of the offense or other credible evidence indicates that the petitioner's/respondent's conduct causing death involved the use of alcohol or other drugs, or reckless driving reduced from DUI, or any statutory summary suspension or implied consent suspension.

"Employ" or "employed" or "employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence ~~that which~~ includes the completion of a term of community service. Employment need not be the sole or primary means of support for the petitioner or his/her dependents.

"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by OASA. (See 77 Ill. Adm. Code 2060.201.) A treatment provider may be considered an evaluator for the purpose of completing an updated evaluation in accordance with Section 1001.440(a)(6)(A) of this Subpart.

"Failure to successfully complete a rolling retest" means anytime the BAID Permittee registers a BrAC reading of 0.05 or more on a rolling retest or fails to perform a rolling retest ~~that which~~ has been requested.

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner with:

symptoms of substance dependence (regardless of driving record), referred to in this Part as High Risk Dependent; and/or

within the 10 year period prior to the date of the most current (third or subsequent) arrest, any combination of two prior convictions or court ordered supervisions for DUI, or prior statutory summary suspensions, or prior reckless driving convictions reduced from DUI, resulting from separate incidents, referred to in this Part as High Risk Nondependent. (See 77 Ill. Adm. Code 2060.503(g).)

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"Immediate family" means a member of the petitioner's household, the petitioner's parents, grandparents, children, and significant other.

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first 30 days after initial installation of the device.

"Installer" means an individual trained by a BAIID manufacturer to install and/or maintain a device and employed by a recognized service center, vendor or manufacturer.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code, which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Lockout" means the device must prevent engine ignition by a virtual lock with 90% certainty or near absolute lock at 99.5% certainty.

"Manufacturer" means the maker of a BAIID or its authorized representative.

"Medical or physical BAIID modification" means a demonstrated physical or medical condition documented in writing by a physician that consistently interferes with the normal operation of the BAIID by the BAIID Permittee for which the Department may authorize a modification of the BAIID or its programming to accommodate the condition without sacrificing the intent of the BAIID Program.

"Medical or Physical BAIID Waiver" means a demonstrated physical or medical condition, documented in writing by a physician, that consistently interferes with or prevents the normal operation of the BAIID by the BAIID Permittee for which the Department may authorize a waiver of the BAIID.

"Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

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a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI; and

no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, and no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI; and no other symptoms of substance abuse ~~or of~~ dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Monitor report" means an electronic report or a printout of the activity of a device obtained by the manufacturer or installer at the time of an inspection of the device, which shall include at a minimum the number of successful and unsuccessful attempts to start the vehicle and rolling retests, including each date, time, and BrAC reading, and any evidence of tampering or circumvention of the device.

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"OASA" means the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse.

"Office" means the Office of the Secretary of State and not any particular department address or location.

"Permanent lockout" means that feature of the device that prevents a vehicle with the device installed from starting after the lapse of the 5 days (see 92 Ill. Adm. Code 1001.442(b)(7)) and requires servicing by the manufacturer/installer of the device to make the vehicle operable for failure to take the vehicle with the device to the manufacturer or installer for any required monitor report or for any failure

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to send the device to the manufacturer within 5 days after any service or inspection notification.

"Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"Program" means the BAIID Program administered by the Secretary.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)3 of the Code.

"Reinstatement" means the restoration of driving privileges entitling the petitioner to apply for a new driver's license in accordance with the requirements of the Illinois Vehicle Code and this Chapter.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition or application or the relief sought through that action, is made a respondent or to whom an order or complaint is directed by the department initiating a proceeding.

"Rolling retest" means that feature of the device that requires the driver to take additional BrAC tests after the initial test to start the vehicle.

"Secretary" means the Illinois Secretary of State.

"Service or inspection notification" means that feature of the device that advises or notifies the BAIID Permittee to either take the vehicle with the device installed to the manufacturer or installer or send the device to the manufacturer for the required inspection and the monitor report.

"Service center" means a dealer, distributor, supplier, or other business engaged in the installation of devices.

"Significant other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established life style (e.g., spouse, other family member, employer, co-worker, clergy member, roommate).

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"Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

one prior conviction or court ordered supervision for DUI, one prior statutory summary suspension, or one prior reckless driving conviction reduced from DUI; and/or

a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI; and/or

other symptoms of substance abuse. (See 77 Ill. Adm. Code 2060.503(g).)

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"Support/recovery program" means specific activities ~~that which~~ a recovering alcoholic/chemically dependent person has incorporated into his/her life style to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to, participating in a self-help program (Alcoholics Anonymous, Narcotics Anonymous, etc.) or a professional support group, or regularly and frequently engaging in religious or other activities ~~that which~~ have a distinct and positive effect on an individual's continued abstinence. Any program and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e) through (i) of this Part). The hearing officer shall determine the viability of the petitioner's program as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing, as well as considering whether the program is substantially consistent with the following criteria:

The program encourages life style change ~~that which~~ involves the replacement of substance using activity with non-substance using activity;

A strong focus of the program is to provide ongoing assistance in identifying and resolving substance dependency-related issues that may jeopardize an individual's continued recovery;

The program encourages positive individual values of responsibility and honesty, as well as less self-centered thinking;

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The program has demonstrated a durability and stability over time that reflects its usefulness in supporting long-term recovery.

"Tampering" means an overt, conscious attempt to disable or disconnect the interlock device.

"24 Hour lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of 24 hours any time the device registers 3 BrAC readings of 0.05 or more within a 30 minute period.

"Undue hardship as it relates to educational pursuits" means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the petitioner, and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to employment" means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code, an extreme difficulty in regard to getting to or from a petitioner's place of employment or to operate on a route during employment; e.g., as delivery person, because of the suspension, revocation, or cancellation of the petitioner's driving privileges. It is more than mere inconvenience on the petitioner and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to necessary medical care" means an extreme difficulty in regard to getting to and from a location where petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a licensed physical or mental health care provider. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Undue hardship as it relates to support/recovery program" means an extreme difficulty in regard to getting to and from a location where a petitioner is

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participating in an ongoing support program. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Unsuccessful attempt to start the vehicle" means anytime the BAIID Permittee registers a BrAC reading of 0.025 or more on the device when attempting to start the vehicle.

"Vehicle", for purposes of the Breath Alcohol Ignition Interlock Device Program, means every apparatus in, upon or by which any person or property is or may be transported or drawn upon a highway and that is self-propelled, except for apparatuses moved solely by human power, motorized wheelchairs, and motorcycles.

"Vendor" means a retail or wholesale supplier of a device, and may include a service center.

"W/V" means weight of alcohol in the volume of breath based upon grams of alcohol per 210 liters of breath.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days)

**Section 1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender –
Compliance with Interlock Program
EMERGENCY**

- a) For the purposes of this Part, a person "owns" a vehicle when it is registered or titled in his or her name, regardless of whether it is registered or titled solely in his or her name or jointly with another person or persons.
- b) Anyone who is required to install an interlock device on all vehicles that he or she owns, pursuant to Sections 6-205(h) and 11-501(i) of the IVC, and who is granted any driving relief pursuant to Subpart D of this Part, shall certify to the Secretary, in the manner stated in subsection (c), that he or she has installed an interlock device on all vehicles he or she owns within 14 days after the issuance of driving relief. The offender must maintain an interlock device on each vehicle for a period of 12 consecutive months.

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- c) A BAIID Multiple Offender shall certify compliance with the interlock program by filing an affidavit with the Secretary that states that the offender installed an interlock device on all vehicles he or she owns and that lists, by Vehicle Identification Number and Registration Plate Number, each and every vehicle that the offender owns. The offender must submit one certification listing all of the vehicles that he or she owns on a form provided by the Secretary. This certification must be submitted within 7 days after the date of the final installation.
- d) The Secretary shall verify compliance with the interlock program by conducting periodic random checks of the information contained in affidavits filed by BAIID Multiple Offenders, and by monitoring compliance with the terms and conditions of the interlock program as provided in Section 1001.441.
- e) BAIID Multiple Offenders who are found to have violated the terms and conditions of the interlock program as stated in Subpart D of this Part will be required to certify compliance with the interlock program for another 12 consecutive months. This additional certification must be provided regardless of whether any sanctions are imposed on the BAIID Multiple Offender pursuant to Subpart D.

(Source: Added by emergency rulemaking at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days)

Section 1001.~~444443~~ Installer's Responsibilities

The responsibilities of installers of BAIID shall include:

- a) An installer shall indemnify and hold harmless the State, the Secretary and its officers, employees, agents, DPH and its officers, from all claims, demands, actions, and costs whatsoever ~~that which~~ may arise, directly or indirectly, out of any act or omission by the installer relating to the installation, service, repair, use or removal of a device.
- b) The installer shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation.
- c) The installer shall provide adequate security measures to prevent access to the device (tamper seals or installation instructions).
- d) The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions. It must be the BAIID Permittee's responsibility to repair the vehicle if any condition exists

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that would prevent the proper functioning of the device. The installer should inform the BAIID Permittee that a problem exists, but should not be responsible for repairing the vehicle.

- e) The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle.
- f) The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle.
- g) The installer shall restore a motor vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent.
- h) The installer shall provide a warranty of performance to assure responsibility for support of service within a maximum of ~~forty-eight (48)~~ hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle.

(Source: Renumbered from Section 1001.443 and amended at 26 Ill. Reg. 14706, effective Sep 20, 2002)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING

JAMES R. THOMPSON CENTER

ROOM 16-503

CHICAGO, ILLINOIS

10:30 A.M.

OCTOBER 8, 2002

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules

700 Stratton Office Building

Springfield, Illinois 62706

Email: jcar@legis.state.il.us

Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR**PROPOSED RULEMAKINGS**Aging

1. Community Care Program (89 Ill. Adm. Code 240)
 - First Notice Published: 26 Ill. Reg. 10076 – 7/12/02
 - Expiration of Second Notice: 11/6/02

Agriculture

2. Land Application Authorization Program (8 Ill. Adm. Code 258)
 - First Notice Published: 26 Ill. Reg. 9521 – 7/5/02
 - Expiration of Second Notice: 10/24/02

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING

Central Management Services

3. Extensions of Jurisdiction (80 Ill. Adm. Code 305)
 - First Notice Published: 26 Ill. Reg. 11623 – 8/2/02
 - Expiration of Second Notice: 11/3/02

Comptroller

4. State Gift Ban Act (2 Ill. Adm. Code 626)
 - First Notice Published: 26 Ill. Reg. 10133 – 7/12/02
 - Expiration of Second Notice: 10/25/02

Education

5. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 26 Ill. Reg. 10139 – 7/12/02
 - Expiration of Second Notice: 11/6/02
6. Certification (23 Ill. Adm. Code 25)
 - First Notice Published: 26 Ill. Reg. 10146 – 7/12/02
 - Expiration of Second Notice: 11/6/02
7. Evaluation of Certified School District Employees in Contractual Continued Service (23 Ill. Adm. Code 50)
 - First Notice Published: 26 Ill. Reg. 6025 – 5/3/02
 - Expiration of Second Notice: 10/9/02
8. Electronic Transfer of Funds (23 Ill. Adm. Code 155)
 - First Notice Published: 26 Ill. Reg. 6030 – 5/3/02
 - Expiration of Second Notice: 10/9/02
9. Student Records (23 Ill. Adm. Code 375)
 - First Notice Published: 26 Ill. Reg. 7807 – 5/31/02
 - Expiration of Second Notice: 10/9/02

Human Services

10. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
 - First Notice Published: 26 Ill. Reg. 10190 – 7/12/02
 - Expiration of Second Notice: 10/20/02

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING

11. General Assistance (89 Ill. Adm. Code 114)
 - First Notice Published: 26 Ill. Reg. 10192 – 7/12/02
 - Expiration of Second Notice: 10/20/02
12. Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
 - First Notice Published: 26 Ill. Reg. 10173 – 7/12/02
 - Expiration of Second Notice: 10/20/02

Natural Resources

13. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)
 - First Notice Published: 26 Ill. Reg. 7917 – 5/31/02
 - Expiration of Second Notice: 9/14/02
14. Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)
 - First Notice Published: 26 Ill. Reg. 10194 – 7/12/02
 - Expiration of Second Notice: 9/14/02
15. Ginseng Harvest and Commerce Regulations (17 Ill. Adm. Code 1580)
 - First Notice Published: 26 Ill. Reg. 11721 – 8/2/02
 - Expiration of Second Notice: 11/1/02

Pollution Control Board

16. Water Quality Standards (35 Ill. Adm. Code 302)
 - First Notice Published: 26 Ill. Reg. 8707 – 6/21/02
 - Expiration of Second Notice: 10/31/02
17. Effluent Standards (35 Ill. Adm. Code 304)
 - First Notice Published: 26 Ill. Reg. 8722 – 6/21/02
 - Expiration of Second Notice: 10/31/02

Professional Regulation

18. Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)
 - First Notice Published: 26 Ill. Reg. 3389 – 3/8/02

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING

-Expiration of Second Notice: 11/20/02

Public Aid

19. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 26 Ill. Reg. 7635 – 5/24/02
 - Expiration of Second Notice: 11/2/02
20. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 26 Ill. Reg. 7647 – 5/24/02
 - Expiration of Second Notice: 11/2/02

Public Health

21. Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
 - First Notice Published: 26 Ill. Reg. 7978 – 5/31/02
 - Expiration of Second Notice: 10/31/02
22. Nursing Education Scholarships (77 Ill. Adm. Code 597)
 - First Notice Published: 26 Ill. Reg. 10357 – 7/12/02
 - Expiration of Second Notice: 10/31/02

Revenue

23. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 26 Ill. Reg. 10372 – 7/12/02
 - Expiration of Second Notice: 10/26/02
24. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 26 Ill. Reg. 11389 – 7/26/02
 - Expiration of Second Notice: 10/26/02
25. Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (86 Ill. Adm. Code 530)
 - First Notice Published: 26 Ill. Reg. 10384 – 7/12/02
 - Expiration of Second Notice: 10/19/02

EMERGENCY AND PEREMPTORY RULEMAKINGSBanks and Real Estate

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING

26. Home Inspector License Act (68 Ill. Adm. Code 1410) (Emergency)
-Notice Published: 26 Ill. Reg. 13317 – 9/6/02

Children and Family Services

27. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406) (Emergency)
-Notice Published: 26 Ill. Reg. 13694 – 9/13/02

Natural Resources

28. Public Museum Grants Program (23 Ill. Adm. Code 3200) (Emergency)
-Notice Published: 26 Ill. Reg. 13706 – 9/13/02

Secretary of State

29. Procedures and Standards (92 Ill. Adm. Code 1001) (Emergency)
-Notice Published: 26 Ill. Reg. 13347 – 9/6/02

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 September 17, 2002 through September 23, 2002 and have been scheduled for review by the Committee at its October 8, 2002 meeting in Chicago. 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>
10/31/02	<u>Pollution Control Board</u> , Water Quality Standards (35 Ill. Adm. Code 302)	6/21/02 26 Ill. Reg. 8707	10/8/02
10/31/02	<u>Pollution Control Board</u> , Effluent Standards (35 Ill. Adm. Code 304)	6/21/02 26 Ill. Reg. 8722	10/8/02
10/31/02	<u>Department of Public Health</u> , Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)	5/31/02 26 Ill. Reg. 7978	10/8/02
10/31/02	<u>Department of Public Health</u> , Nursing Education Scholarships (77 Ill. Adm. Code 597)	7/12/02 26 Ill. Reg. 10357	10/8/02
11/1/02	<u>Department of Natural Resources</u> , Ginseng Harvest and Commerce Regulations (17 Ill. Adm. Code 1580)	8/2/02 26 Ill. Reg. 11721	10/8/02
11/2/02	<u>Department of Public Aid</u> , Medical Assistance Programs (89 Ill. Adm. Code 120)	5/24/02 26 Ill. Reg. 7635	10/8/02
11/2/02	<u>Department of Public Aid</u> , Medical Payment (89 Ill. Adm. Code 140)	5/24/02 26 Ill. Reg. 7647	10/8/02

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/3/02	<u>Department of Natural Resources, Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)</u>	7/12/02 26 Ill. Reg. 10194	10/8/02
11/3/02	<u>Department of Central Management Services, Extensions of Jurisdiction (80 Ill. Adm. Code 305)</u>	8/2/02 26 Ill. Reg. 11623	10/8/02
11/6/02	<u>State Board of Education, Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)</u>	7/12/02 26 Ill. Reg. 10139	10/8/02
11/6/02	<u>State Board of Education, Certification (23 Ill. Adm. Code 25)</u>	7/12/02 26 Ill. Reg. 10146	10/8/02
11/6/02	<u>Department on Aging, Community Care Program (89 Ill. Adm. Code 240)</u>	7/12/02 26 Ill. Reg. 10076	10/8/02

PROCLAMATIONS**2002-487****September 22, 2002 as Riverside Masonic Temple Day (Revised)**

WHEREAS, the Riverside Lodge was instituted, under Dispensation, on July 23, 1901. Riverside Lodge No. 862 was chartered on October 8, 1902; and

WHEREAS, the Lodge met on the 3rd floor of the Riverside Village Hall until 1960 when a new Temple was constructed at 40 Forest Avenue, and ground-breaking ceremonies took place on July 30; and

WHEREAS, the Grand Lodge officers of Illinois, Riverside Lodge Members, and many members of the Masonic bodies assembled in front of the Riverside Township Hall and formed a parade to march to the new building site for the cornerstone laying ceremony on September 10, 1960; and

WHEREAS, on October 31, 1952, Riverside Lodge celebrated its 50th anniversary with a special program held at the Riverside Village Hall. The Landmark Restaurant, in Bridgeview, Illinois, was the site of the Lodge's 75th anniversary ceremony, which took place on March 12, 1977; and

WHEREAS, the centennial celebration will take place on Sunday, September 22, 2002, at the Riverside Masonic Temple, 40 Forest Avenue, Riverside, Illinois, at 2:00 p.m.;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2002, as RIVERSIDE MASONIC TEMPLE DAY in Illinois.

Issued by the Governor September 5, 2002

Filed by the Secretary of State September 19, 2002

2002-488**October 20-26, 2002 as Illinois Society for Respiratory Care Week**

WHEREAS, the Illinois Society for Respiratory Care is a well-known, prestigious organization of respiratory care practitioners who practice throughout our state; and

WHEREAS, respiratory care practitioners are involved in an extensive number of lifesaving and life-supporting activities, including care for patients diagnosed with asthma, emphysema, pneumonia, and various lung disorders, as well as for seriously ill patients who have suffered cardiac or respiratory arrest; and

WHEREAS, Respiratory Care Practitioners are a vital and important link in our nation's health care delivery system;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20-26, 2002, as ILLINOIS SOCIETY FOR RESPIRATORY CARE WEEK in Illinois, in recognition of the many years of service this selfless group of medical professionals has provided to our citizens.

Issued by the Governor September 17, 2002

Filed by the Secretary of State September 19, 2002

2002-489**October 6-12, 2002 as Metric Week**

PROCLAMATIONS

WHEREAS, the Metric Conversion Act of 1975 established a national policy of coordinating and planning increased voluntary usage of the entire metric system in the United States; and

WHEREAS, the United States Metric Association is a non-profit organization dedicated to helping the American people, industry, and government adopt the international metric system as their primary means of measurement; and

WHEREAS, the United States has taken many important steps toward metrication, including requiring metric labeling on all consumer packaging; and

WHEREAS, the Goals 2000 bill passed Congress last year and was signed into law, which stipulates for the first time that SI metric should be taught in all science and math classes in the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6-12, 2002, as METRIC WEEK in Illinois and urge citizens to use the metric system whenever possible.

Issued by the Governor September 17, 2002

Filed by the Secretary of State September 19, 2002

2002-490**October 2002 as Polish American Heritage Month**

WHEREAS, during October, more than one million Illinois residents of Polish descent celebrate their precious heritage of love of democracy, humanitarianism, and appreciation of the arts and education; and

WHEREAS, October is a national observance focusing on the many contributions of Polish Americans to the fields of science, medicine, business, law, industry, public service, education, and the arts; and

WHEREAS, the Polish American Congress, Illinois Division, salutes Polish American artists and the arts at the 34th Annual Heritage Award Gala Celebration bestowing the prestigious Heritage Awards upon world renowned sculptor Jerzy Kenar, internationally acclaimed modern painter Ed Paschke, and philanthropist and artist Lady Blanka Aldona Rosenstiel; and

WHEREAS, the Polish American Heritage Committee of the PAC, Illinois Division, in cooperation with the Office of the Governor is inaugurating the First Annual Poster Art Contest honoring Polish American Heritage Month; and

WHEREAS, the Harold Washington Library sponsors a month-long celebration of Polish American Heritage through special programs and exhibits highlighting the culture and contributions of Poles; and

WHEREAS, the Polish Museum of America sponsors a Polish American Heritage Celebration and Polish American Heritage Children's Art Contest; and

WHEREAS, the Office of Alumni Affairs and the Council of Educators in Polonia sponsor the heritage celebration at the Northeastern Illinois University; and

WHEREAS, in 2002 we will observe the anniversaries of two outstanding community organizations. For 80 years, the Polish American Association has been providing resources for bettering the lives of thousands of Polish immigrants. For 75 years, the Chicago Intercollegiate

PROCLAMATIONS

Council has promoted Polish culture and advanced the education of Polish Americans through its scholarship program;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as POLISH AMERICAN HERITAGE MONTH in Illinois.

Issued by the Governor September 17, 2002

Filed by the Secretary of State September 19, 2002

2002-491**October 10-15, 2002 as Licensed Practical Nurses Week**

WHEREAS, the maintenance of good health is of primary concern to everyone; and

WHEREAS, the role of the licensed practical nurse, in caring for people's health needs, has advanced in responsibility and complexity; and

WHEREAS, the National Licensed Practical Nurse Association encourages the continuance of education to ensure competency among its members; and

WHEREAS, the National Licensed Practical Nurse Association is the voice for LPNs in the health care field and maintains the welfare of the LPN; and

WHEREAS, the National Licensed Practical Nurse Association is holding its 53rd annual convention October 10-15, 2002, in Springfield, Illinois, at the Crowne Plaza Hotel. This year's theme is "Creating the Vision for LPN/VN Nursing";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10-15, 2002, as LICENSED PRACTICAL NURSES WEEK in Illinois.

Issued by the Governor September 17, 2002

Filed by the Secretary of State September 19, 2002

2002-492**2003 as Year of Korean Immigration**

WHEREAS, the first Korean immigrants arrived in Honolulu, Hawaii, on the S.S. Gaelic on January 13, 1903; and

WHEREAS, the Korean community is now composed of approximately 2 million individuals living throughout the United States; and

WHEREAS, according to the 2000 United States Census, Korean-Americans own and operate 135, 571 businesses across the country that have gross sales receipts of \$16 billion and employ 333,649 individuals with a payroll of \$5.8 billion; and

WHEREAS, the Korean-American Association of Chicago (KAAC), which was established in 1962 as a tax-exempt educational and service organization, seeks to honor the first immigrants and the contributions they and those who followed them have made to American society in celebration of the 100th anniversary of Korean immigration to the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim 2003 as YEAR OF KOREAN IMMIGRATION in Illinois.

Issued by the Governor September 17, 2002

PROCLAMATIONS

Filed by the Secretary of State September 19,2002

2002-493

October 13-20, 2002 as Dystonia Awareness Week

WHEREAS, dystonia is a neurological disorder in which powerful, involuntary muscle spasms twist parts or all of the body; and

WHEREAS, such spasms are always disabling and often very painful; and

WHEREAS, the cause of dystonia is unknown and there is no cure; and

WHEREAS, those who suffer from dystonia, their families, and their friends have formed the Dystonia Medical Research Foundation to help one another and to seek a cause and cure; and

WHEREAS, the public knows little about dystonia, which may affect as many as 300,000 people in North America; and

WHEREAS, many citizens react to the physical manifestations of dystonia by avoiding those who have this disorder, causing them to experience isolation and often deep psychological distress; and

WHEREAS, greater recognition and understanding of dystonia, both in the medical and the lay communities, is highly desirable; and

WHEREAS, widespread public support of efforts to find the causes and cure of dystonia is needed;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13-20, 2002, as DYSTONIA AWARENESS WEEK in Illinois.

Issued by the Governor September 17, 2002

Filed by the Secretary of State September 19,2002

2002-494

October 2002 as Spinal Health Month

WHEREAS, 80 percent of Americans will suffer from back pain at some point in their lives; and

WHEREAS, the majority of school-age children carry backpack loads that are too heavy for their developing bodies; and

WHEREAS, overweight backpacks have been contribution to spinal problems in children; and

WHEREAS, spinal health is essential to proper growth and development; and

WHEREAS, chiropractic examinations can reveal spinal problems; and

WHEREAS, good spinal health makes it possible for all the organs in the body to function efficiently; and

WHEREAS, every individual should be made aware of the benefits of spinal health;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as SPINAL HEALTH MONTH in Illinois.

Issued by the Governor September 13, 2002

Filed by the Secretary of State September 19,2002

PROCLAMATIONS**2002-495****September 23, 2002 as Family Day**

WHEREAS, communication among family members is an important component in preventing substance abuse and addiction; and

WHEREAS, research conducted by the National Center on Addiction and Substance Abuse at Columbia University has demonstrated a correlation between the frequency that children eat dinner with their parents and the likelihood they are to smoke, use illegal drugs, or abuse alcohol; and

WHEREAS, reserving time to be spent each day as a family has shown to discourage illegal substance and alcohol abuse by more than 30 percent of adolescents; and

WHEREAS, teens from families who do not regularly eat dinner together are 70 percent more likely to engage in such behavior;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 23, 2002, as FAMILY DAY in Illinois.

Issued by the Governor September 11, 2002

Filed by the Secretary of State September 19, 2002

2002-496**October 11, 2002 as Lions Candy Day**

WHEREAS, Lions of Illinois have spearheaded efforts to protect our citizens against the ravages of blindness and deafness for many years; and

WHEREAS, presently, 24,000 Illinois citizens are blind and 106,000 Illinois residents are deaf or hearing impaired; and

WHEREAS, Lions have expended millions of dollars in recent years for diabetic eye centers, low vision clinics and hearing screenings, camping programs, hearing aid and eyeglass collections, and hundreds of other local programs; and

WHEREAS, on Friday, October 11, 2002, Lions are observing Candy Day, their primary fund-raising event of the year;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 11, 2002, as LIONS CANDY DAY in Illinois.

Issued by the Governor September 11, 2002

Filed by the Secretary of State September 19, 2002

2002-497**October 2002 as Lockport Woman's Club Month**

WHEREAS, the Lockport Woman's Club was organized in October 1902, and serves as a member of the Greater Federation of Woman's Clubs, Illinois Federation of Woman's Clubs and District 11 Woman's Clubs; and

WHEREAS, the objectives of LWC stand today as they did 100 years ago: to foster the

PROCLAMATIONS

interest of its members in literary, scientific, musical, historical and other topics of general interest; to promote culture and cordial relations among women; to improve members' homes and to contribute to the welfare of the community; and

WHEREAS, over the years the LWC has provided many services to the community, including the planting of 400 trees along a Memorial Highway within the city at the end of WWI to honor our military, establishment of the Lockport Library in the early 1900s, Grand Charity Balls, and the support of the Guardian Angel Home and Lutheran Orphans Home; and

WHEREAS, during WWII, members of the LWC were active in the Red Cross, Motor Cross Service, Ambulance Fund, USO and USA Rehabilitation Fund. Following the war, the LWC made contributions for a chapel for veterans in Danville, Illinois, for construction of a green house at Vaughn Hospital, and for shipments of baby food to be sent to orphans overseas; and

WHEREAS, today LWC continues its philanthropic work by helping young people continue their education and by supporting local and national charities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as LOCKPORT WOMAN'S CLUB MONTH in Illinois, in honor of the club's 100th anniversary.

Issued by the Governor September 11, 2002

Filed by the Secretary of State September 19, 2002

2002-498**September 22-28, 2002 as 5-A-Day Week 2002, "Eating 5 to 9 and Feeling Fine, Fruits and Vegetables Anytime"**

WHEREAS, the prevention of cancer and heart disease are two of the most urgent health challenges of our day, with heart disease being the leading cause of death in Illinois; and

WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health recommend that people should reduce their intake of fats and increase their consumption of high fiber foods, such as fruits and vegetables, to help reduce the risk of cancer and heart disease; and

WHEREAS, only 23 percent of Illinoisans eat five fruits and vegetables a day and only 40 percent of Illinoisans get the recommended 30 minutes of physical activity a day; and

WHEREAS, the National Cancer Institute has launched the 5-A-Day for Better Health national disease prevention and health promotion program; and

WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health support the 5-A-Day goal;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22-28, 2002, as 5-A-DAY WEEK 2002, "EATING 5 TO 9 AND FEELING FINE, FRUITS AND VEGETABLES ANY TIME" in Illinois.

Issued by the Governor September 12, 2002

Filed by the Secretary of State September 19, 2002

2002-499**October 2002 as Chiropractic Health Care Month**

PROCLAMATIONS

WHEREAS, doctors of chiropractic throughout the United States are active in community programs targeted at improving the health of our citizens; and

WHEREAS, chiropractors have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development and health maintenance; and

WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the better health of some 2 million of our state's citizens; and

WHEREAS, the Illinois Chiropractic Society and the Illinois Prairie State Chiropractic Association will hold fall conventions to further enhance the quality of chiropractic health care available to the public;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as **CHIROPRACTIC HEALTH CARE MONTH** in Illinois.

Issued by the Governor September 12, 2002

Filed by the Secretary of State September 19, 2002

2002-500**October 14, 2002 as Christopher Columbus Day**

WHEREAS, Christopher Columbus and other distinguished Italians have played a significant role in the growth of American civilization; and

WHEREAS, the Italian American community has preserved and proudly shared their rich culture, heritage and talents with our state and its citizens; and

WHEREAS, Italian Americans have contributed greatly to Illinois in all areas of life including education, business, science, medicine, arts, sport, entertainment, and government; and

WHEREAS, the Joint Civic Committee of Italian Americans, founded in 1950, is an umbrella organization for more than 75 organizations dedicated to charitable causes and promoting Italian heritage and culture; and

WHEREAS, Vito P. Cali, President of the Joint Civic Committee of Italian Americans, announces the 50th Annual Christopher Columbus Day Parade will be held October 14, 2002, in Chicago; and

WHEREAS, Robert G. Cimo is the Chairman of Christopher Columbus Day Parade and Paul Butera, Dominic Gambino, James T. Glimco and Frank Mazza are Co-Chairmen; and

WHEREAS, Mario "Motts" Tonelli, Second World War hero and professional football player, will precede the 2002 Christopher Columbus Day Parade as Grand Marshal;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 14, 2002, as **CHRISTOPHER COLUMBUS DAY** in Illinois.

Issued by the Governor September 12, 2002

Filed by the Secretary of State September 19, 2002

PROCLAMATIONS**2002-501****September 29, 2002 as Edith Ewing Long Day**

WHEREAS, Edith Long was born in Carmel, California, on September 29, 1960; and

WHEREAS, after studying Art and Psychology at Monterey Peninsula College, Monterey, California, Edith left California to accompany her husband's military assignment in Wahiawa, Hawaii; and

WHEREAS, Edith gave birth to a son on September 5, 1986, in Tripler Army Medical Center, Honolulu, Hawaii; and

WHEREAS, after completing their tour of duty in the military, Edith accompanied her family to Illinois to begin her career with the State of Illinois; and

WHEREAS, Edith gave birth to a second son on January 11, 1991, in Memorial Hospital, Springfield, Illinois; and

WHEREAS, Edith spent the next few years raising the boys and instilling the solid values that has nurtured them into productive young adults with Christian values; and

WHEREAS, Edith began employment with the Secretary of State's Office on April 17, 1995; and

WHEREAS, Edith did distinguish herself and received numerous awards for excellence and numerous personal letters of thanks from the public for her assistance; and

WHEREAS, Edith has spent the last 20 years with her husband and cared and loved him and her children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 29, 2002, as EDITH EWING LONG DAY in Illinois.

Issued by the Governor September 23, 2002

Filed by the Secretary of State September 23, 2002

2002-502**October 10, 2002 as Lights On After School! Day**

WHEREAS, the citizens of Illinois stand firmly committed to quality after school programs because they provide a safe, friendly learning environment for children and support working families by ensuring that their children are safe and productive after the regular school day ends; and

WHEREAS, these after school programs build stronger communities by involving our students, parents, business leaders and adult volunteers into the lives of our young people and encouraging families to become more effective partners in their children's education; and

WHEREAS, "Lights on Afterschool!", a national celebration of after school programs on October 10, promotes the critical importance of quality after school programs in the lives of children, their families and their communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10, 2002, as LIGHTS ON AFTERSCHOOL! DAY in Illinois.

Issued by the Governor September 23, 2002

Filed by the Secretary of State September 23, 2002

PROCLAMATIONS**2002-503****October 16, 2002 as World Food Day**

WHEREAS, every year since 1981 government officials at all levels have given special attention to an annual worldwide endeavor to alleviate hunger and insure food security for all; and

WHEREAS, the U.S. National Committee for the World Food Day and their 450 national sponsors are involved in planning World Food Day; and

WHEREAS, a World Food Day Teleconference will be held on October 16, 2002, with the theme being "Hungry Farmers: A National Security Issue for All"; and

WHEREAS, the program will feature Dr. Michael Lipton, director of the Poverty Institute at the University of Sussex;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 16, 2002, as WORLD FOOD DAY in Illinois.

Issued by the Governor September 23, 2002

Filed by the Secretary of State September 23, 2002

2002-504**October 2002 as Pediatric Cancer Awareness Month**

WHEREAS, pediatric cancer is, by far, the number one cause of death by disease in our children and sadly diagnosis has grown to over 12,400 children annually; and

WHEREAS, Bear Necessities Pediatric Cancer Foundation, a not-for-profit organization, is dedicated to fight this devastating disease by improving the equality of life for pediatric cancer patients and their families; and

WHEREAS, Bear Necessities is furthering advancements in research and in general, raising awareness of pediatric cancer;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as PEDIATRIC CANCER AWARENESS MONTH in Illinois.

Issued by the Governor September 23, 2002

Filed by the Secretary of State September 23, 2002

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$10,000 against Aadus Banc Corporation, License No. 5430 of Palatine, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 12, 2002.

ILLINOIS ADMINISTRATIVE CODE

Issue Index

Rules acted upon in Volume 26, Issue 40 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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Mike
Template: \\LISP2DB03\JCAR\Templates\Register.dot
Title:
Subject:
Author: saboch
Keywords:
Comments:
Creation Date: 9/26/2002 4:05 PM
Change Number: 19
Last Saved On: 9/30/2002 2:41 PM
Last Saved By: Terry W Long
Total Editing Time: 223 Minutes
Last Printed On: 10/1/2002 9:02 AM
As of Last Complete Printing
Number of Pages: 453
Number of Words: 132,733 (approx.)
Number of Characters: 756,581 (approx.)