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OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Minimum Organizational Capital Requirements for Banks and Trust Companies
- 2) Code Citation: 38 Ill. Adm. Code 310
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
310.100	New
310.110	New
310.200	New
310.210	New
310.220	New
310.300	New
310.310	New
310.320	New
310.330	New
310.340	New
- 4) Statutory Authority: Implementing Section 7 of the Illinois Banking Act [205 ILCS 5/7] and Section 2-7 of the Corporate Fiduciary Act [205 ILCS 620/2-7] and authorized by Section 48(b)(6) of the Illinois Banking Act [205 ILCS 5/48(b)(6)] and Section 5-1(a) of the Corporate Fiduciary Act [205 ILCS 620/5-1(a)].
- 5) Effective Date of Rulemaking: January 5, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. The rule incorporates the definition of Tier 1 capital in the Federal Deposit Insurance Corporation's rule on Minimum Capital Requirements [12 CFR 325, as effective April 1, 2002 (no later amendments or editions)]
- 8) A copy of the adopted rules, 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: 27 Ill. Reg. 14920 on September 26, 2003.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between proposal and final version: OBRE has incorporated JCAR's recommendations for nonsubstantive changes. In addition, OBRE added language in Section 310.210(a) and (c) offering examples of instances when the Agency would require the bank or trust company to have capital in amounts greater than the minimum amounts prescribed in the rule. We also added language offering examples of when the Agency would permit the bank or trust company to have capital in an amount that is less than the minimum amounts prescribed in the rule in Section 310.220(a).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 92-483 deleted the requirement that the Commissioner record organization capital requirements with the Office of the Secretary of State. The rules set forth the minimum organizational capital requirements for banks and trust companies so that interested parties will have easier access to the organizational capital requirements. The rules also set out when greater capital requirements may be necessary, exceptions to minimum organizational capital requirements for banks and trust companies, and provisions concerning capital in cases of merger or consolidation of trust companies, and the adequacy of capital investments of trust companies.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield, IL 62701
217/782-6167

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 310
MINIMUM ORGANIZATIONAL CAPITAL REQUIREMENTS
FOR BANKS AND TRUST COMPANIES

SUBPART A: SCOPE AND DEFINITIONS

Section	
310.100	Scope and Authority
310.110	Definitions

SUBPART B: BANKS

Section	
310.200	Minimum Organizational Capital Requirements for Banks
310.210	When Greater Capital Requirements May Be Necessary
310.220	Exceptions to Minimum Organizational Capital Requirements for Banks

SUBPART C: TRUST COMPANIES

Section	
310.300	Minimum Organizational Capital Requirements for Trust Companies
310.310	When Greater Capital Requirements May Be Necessary
310.320	Exceptions to Minimum Organizational Capital Requirements for Trust Companies
310.330	Merger or Consolidation of Trust Companies
310.340	Adequacy of Capital Investments of Trust Companies

AUTHORITY: Implementing Section 7 of the Illinois Banking Act [205 ILCS 5/7] and Section 2-7 of the Corporate Fiduciary Act [205 ILCS 620/2-7] and authorized by Section 48(b)(6) of the Illinois Banking Act [205 ILCS 5/48(b)(6)] and Section 5-1(a) of the Corporate Fiduciary Act [205 ILCS 620/5-1(a)].

SOURCE: Adopted at 28 Ill. Reg. 1045, effective January 5, 2004.

SUBPART A: SCOPE AND DEFINITIONS

Section 310.100 Scope and Authority

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Pursuant to Section 7 of the Illinois Banking Act [205 ILCS 5/7] and Section 2-7 of the Corporate Fiduciary Act [205 ILCS 620/2-7], this Part establishes the minimum organizational capital requirements that must be met in order for proposed State banks and State banks to exercise the powers conferred by the Illinois Banking Act and for proposed Illinois trust companies and Illinois trust companies to exercise the powers conferred by the Corporate Fiduciary Act. The Commissioner shall use these minimum organizational capital requirements in reviewing the applications of proposed or existing State banks or proposed or existing Illinois trust companies in applications for: a permit to organize a State bank under Section 10 of the Illinois Banking Act [205 ILCS 5/10]; a certificate of authority under Section 2-5 of the Corporate Fiduciary Act [205 ILCS 620/2-5]; a change in the location of a State bank's main banking premises under Section 13 of the Illinois Banking Act [205 ILCS 5/13]; a merger resulting in a State bank under Section 22 or 30 of the Illinois Banking Act [205 ILCS 5/22 or 30]; a merger or consolidation resulting in a trust company under Section 3-1 of the Corporate Fiduciary Act [205 ILCS 620/3-1]; and a conversion resulting in a State bank under Section 26 or 30 of the Illinois Banking Act [205 ILCS 5/26 or 30].

Section 310.110 Definitions

“Chicago, Illinois central business district” is generally considered as that part of the city of Chicago bounded by a line beginning with Lake Shore Drive on the east, thence south to Balbo Drive, thence west to Michigan Avenue, thence north to Harrison Street, thence west to Clinton Street, thence north to Lake Street, thence east to Wacker Drive, and thence on Wacker Drive north and east to Orleans Street, thence north to Chicago Avenue and thence east to Lake Shore Drive. However, certain locations (e.g., areas within close proximity or areas with similar market characteristics) within the city of Chicago may also require the same minimum capital requirements.

“Chicago, Illinois metropolitan area” is generally considered as the geographical area encompassing the counties of Cook, DuPage, Kane, Lake, McHenry and Will, except that part within Cook county defined in this Section as the Chicago, Illinois central business district. However, an entity may organize or locate a State bank within this geographical area by meeting the minimum organizational capital requirements for banks located outside of the Chicago, Illinois metropolitan area based upon the market characteristics of the proposed location.

“Commissioner” means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner to act in the Commissioner's stead.

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SUBPART B: BANKS

Section 310.200 Minimum Organizational Capital Requirements for Banks

The minimum organizational capital requirements that must be met to exercise the powers conferred in the Illinois Banking Act are as follows:

- a) \$6,000,000 for a bank that is located in the Chicago, Illinois central business district;
- b) \$4,000,000 for a bank that is located in the Chicago, Illinois metropolitan area;
- c) \$3,000,000 for a bank that is located outside of the Chicago, Illinois central business district and metropolitan area; and
- d) \$3,500,000 for a banker's bank that is owned exclusively by other banks or bank holding companies and that has been exclusively organized to provide services to other banks, bank holding companies, and the officers, directors and employees of such institutions.

Section 310.210 When Greater Capital Requirements May Be Necessary

- a) Greater capital requirements may be required by the Commissioner if the condition and operations or the proposed scope of operations of the proposed or existing State bank require additional capital to achieve or maintain a safe and sound condition.
- b) If the Commissioner determines that the proposed or existing bank requires capital in addition to the minimum organizational capital requirements set forth in Section 310.200, the bank shall be informed by the Office of Banks and Real Estate and afforded the opportunity to amend the related application.
- c) In determining if additional capital in excess of the minimum organizational capital requirements is necessary for a proposed or existing bank, the Commissioner shall consider the size and scope of the bank's operations. The review of the proposed or existing bank's scope of operations may consist of an assessment of the percentage of investment to be made in fixed assets, the proposed or existing bank's projections for future growth, future earnings prospects, the amount of organizational expenses incurred by the proposed bank,

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access to readily available sources of additional capital, the capability of management, and any other factors deemed appropriate by the Commissioner. Instances when additional capital may be required include, but are not limited to, those situations where the business plan contemplates aggressive future growth or a higher risk activity such as transactional internet activity, or where the proposed bank incurs significant organizational expenses.

Section 310.220 Exceptions to Minimum Organizational Capital Requirements for Banks

- a) In applications involving a merger resulting in a State bank pursuant to Section 22 or Section 30 of the Illinois Banking Act, a conversion resulting in a State bank pursuant to Section 26 or 30 of the Illinois Banking Act, or a change in location of a State bank pursuant to Section 13 of the Illinois Banking Act, a lesser amount of capital than specified in Section 310.200 may be approved if the Commissioner determines that such lesser amount of capital is sufficient to enable the bank to operate in a safe and sound manner. For example, the Commissioner may authorize a lesser amount of capital than that prescribed in Section 310.200 if the applicant is an existing bank operating with capital levels below the minimum capital requirements prescribed in that Section and operating in a safe and sound manner and the application contemplates an activity that the bank will be able to conduct in a safe and sound manner at the current capital levels following approval of the application.
- b) A bank organized to assume the assets and liabilities of an existing bank or insured savings association that has failed, or is in default or in danger of default, shall have a minimum tier 1 capital, as defined by the Federal Deposit Insurance Corporation, of 5% of total assets. The Commissioner hereby incorporates by reference the definition of tier 1 capital found in 12 CFR 325, Minimum Capital Requirements, as effective April 1, 2002 (no later amendments or editions). Copies of 12 CFR 325 are available at the Commissioner's Springfield or Chicago office. Copies may also be obtained on the Federal Deposit Insurance Corporation web site.

SUBPART C: TRUST COMPANIES

Section 310.300 Minimum Organizational Capital Requirements for Trust Companies

The minimum organizational capital requirement that must be met by an applicant for a certificate of authority under the Corporate Fiduciary Act to become an Illinois trust company is \$3,000,000. The minimum organizational capital requirement prescribed in this subsection shall

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be in addition to and separate from the amount pledged or surety bond held pursuant to Section 6-13.5 of the Corporate Fiduciary Act.

Section 310.310 When Greater Capital Requirements May Be Necessary

- a) Greater capital requirements may be required by the Commissioner if the condition and operations or the proposed scope of operations of the proposed or existing trust company require additional capital to achieve or maintain a safe and sound condition. Instances when additional capital may be required include but are not limited to those situations where the business plan contemplates high risk activity or where the trust company incurs significant organizational expenses.
- b) If the Commissioner determines that the proposed or existing trust company requires capital in addition to the minimum organization capital requirements set forth in Section 310.300, the trust company shall be informed by the Office of Banks and Real Estate and afforded the opportunity to amend the related application.

Section 310.320 Exceptions to Minimum Organizational Capital Requirements for Trust Companies

An Illinois trust company organized before January 1, 2003, when a lower capital requirement may have been in effect, may continue to operate under that lower capital requirement unless the Commissioner has increased the required capital for that trust company under Section 2-7 of the Corporate Fiduciary Act.

Section 310.330 Merger or Consolidation of Trust Companies

In any merger or consolidation resulting in a trust company made pursuant to Section 3-1 of the Corporate Fiduciary Act, the resulting trust company must meet the minimum organizational capital requirement in effect at the time of the merger or consolidation. In such cases, the current capital requirement must be met even if a lower capital requirement previously had applied to any or all of the merging or consolidating parties.

Section 310.340 Adequacy of Capital Investments of Trust Companies

The Office of Banks and Real Estate has adopted administrative rules and regulations under the Corporate Fiduciary Act addressing trust company investments at 38 Ill. Adm. Code 399.Subpart B. Section 399.120 states: "For purposes of determining the adequacy of capital, surplus and reserves, a trust company, when purchasing, selling and holding investments for its own

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accounts, shall be subject to the same limitations and conditions with respect to such investments as are permitted for State banks by the Banking Act. The Commissioner shall disallow any investments that are not so permitted from the calculation of adequate capital, surplus and reserves.”

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Electronic Fund Transfers
- 2) Code Citation: 38 Ill. Adm. Code 315
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
315.110	Amended
315.210	Repealed
315.220	Repealed
315.230	Repealed
315.240	Repealed
315.250	Repealed
315.260	Repealed
315.270	Repealed
315.410	Amended
- 4) Statutory Authority: Implementing Section 50(e) of the Electronic Fund Transfer Act [205 ILCS 616/50(e)] and authorized by Section 20(1) of the Electronic Fund Transfer Act [205 ILCS 616/20(1)]
- 5) Effective Date of Rulemaking: January 5, 2004
- 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: 27 Ill. Reg. 14927 on September 26, 2003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: OBRE has incorporated JCAR's recommendations for nonsubstantive changes.
- 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

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 92-811 removed the requirement that disputes arising under written agreements for use of terminals and switches be subject to arbitration by the Commissioner of Banks and Real Estate. In addition, it removed the Commissioner's power and duty to conduct the arbitration. This amendment deletes the Administrative Code provisions addressing the arbitration of disputes by the Commissioner under the Electronic Transfer Act. The amendment also provides that the provisions regarding requirements for surcharge signage now apply to point-of-sale purchase transactions at terminals to match the amendment to the Electronic Fund Transfer Act in Public Act 93-136.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield IL 62701
217/782-6167

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 315
ELECTRONIC FUND TRANSFERS

SUBPART A: DEFINITIONS

Section
315.110 Definitions

SUBPART B: ARBITRATION OF DISPUTES

Section
315.210 Scope and Authority (Repealed)
315.220 Statement of Claim, Response and Reply (Repealed)
315.230 Motions (Repealed)
315.240 Appearances (Repealed)
315.250 Appointment of Hearing Officer (Repealed)
315.260 Service (Repealed)
315.270 Procedures (Repealed)

SUBPART C: FEES FOR THE EXAMINATION OF NETWORKS AND SWITCHES

Section
315.310 Fees and Charges

SUBPART D: TERMINALS

Section
315.410 Requirements for Surcharge Signage

AUTHORITY: Implementing Section 50(e) of the Electronic Fund Transfer Act [205 ILCS 616/50(e)] and authorized by Section 20(1) of the Electronic Fund Transfer Act [205 ILCS 616/20(1)].

SOURCE: Adopted at 20 Ill. Reg. 10832, effective August 1, 1996; amended at 24 Ill. Reg. 4932, effective March 10, 2000; amended at 28 Ill. Reg. 1053, effective January 5, 2004.

AGENCY NOTE: 38 Ill. Adm. Code 310, Electronic Fund Transfers, was repealed and this Part

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38 Ill. Adm. Code 315, Electronic Fund Transfers, was adopted at 20 Ill. Reg. 10832, effective August 1, 1996.

SUBPART A: DEFINITIONS

Section 315.110 Definitions

The words and phrases used in this Part and not defined in this Section shall have the meanings ascribed to them in the Electronic Fund Transfer Act [205 ILCS 616].

"Act" means the Electronic Fund Transfer Act [205 ILCS 616].

"Commissioner" means the Illinois Commissioner of the Office of Banks and Real Estate. ~~"Hearing officer" means the Commissioner or an attorney licensed in the State of Illinois who has been appointed by the Commissioner to conduct a hearing. "Party" includes the Claimant and Respondent to an administrative proceeding.~~

(Source: Amended at 28 Ill. Reg. 1053, effective January 5, 2004)

SUBPART B: ARBITRATION OF DISPUTES

Section 315.210 Scope and Authority (Repealed)

~~Pursuant to Section 45 of the Act, these rules establish the procedure for arbitration of disputes by the Commissioner. It is expected that prior to invoking the procedures established in Section 315.220, the parties shall make an effort to settle their disputes.~~

(Source: Repealed at 28 Ill. Reg. 1053, effective January 5, 2004)

Section 315.220 Statement of Claim, Response and Reply (Repealed)

- a) ~~A person desiring arbitration, hereafter called "Claimant", shall file with the Commissioner a Statement of Claim which shall:~~
- ~~1) identify the parties to the dispute;~~
 - ~~2) set forth a brief statement of facts giving rise to the Statement of Claim;~~
 - ~~3) state the legal basis for the claim;~~

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- ~~4) state the relief which Claimant requests or to which it deems itself entitled;~~
 - ~~5) be signed by the Claimant or by the Claimant's attorney and contain the address and telephone number of the individual signing the Statement of Claim. There shall be attached to the Statement of Claim as an exhibit a copy of any agreement between the Claimant and the person against whom relief is sought, hereafter referred to as "Respondent" and also a copy of any other document upon which Claimant relies. Claimant shall at the time of filing also serve a copy of the Statement of Claim together with attached exhibits upon the Respondent; and~~
 - ~~6) state whether the Claimant desires a hearing.~~
- ~~b) Claimant, by filing a Statement of Claim, shall be deemed to have waived any rights under Section 45 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision.~~
 - ~~c) Within 20 days after service of the Statement of Claim upon the Respondent, or within such additional time as the Commissioner may grant for good cause shown, the Respondent may file a Response which shall be delivered to the Commissioner and a copy served upon the Claimant. All requests for extension shall be in writing. In determining whether to grant an extension the Commissioner shall consider such factors as: availability of party's counsel; unavailability of personnel necessary to prepare the Response. The Response shall state whether the Respondent desires a hearing. Respondent, by filing a Response, shall be deemed to have waived any rights under Section 45 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision. Any Respondent who wishes to seek court action shall file a Responsive Statement to that effect with the Commissioner and the Claimant within 20 days after service of the Statement of Claim upon the Respondent. Within 30 days after filing the Responsive Statement, the Respondent shall file or cause to be filed original pleadings seeking court action and shall file a certified copy of such pleadings with the Commissioner. Any Respondent who fails to file a Responsive Statement or who thereafter fails to file the pleading instituting such court action shall be deemed to have waived his or her rights under Section 45 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision.~~

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- d) ~~Claimant may file a Reply within 20 days after receipt of the Response. Such Reply shall be delivered to the Commissioner and a copy served upon the Respondent.~~
- e) ~~If upon reviewing the Statement of Claim, Response and Reply thereto, if any, the Commissioner finds that neither party has requested a hearing, he shall:~~
 - 1) ~~make an administrative decision based on the parties' Statement of Claim, Response and Reply thereto, if any; or~~
 - 2) ~~make a determination that a hearing be held. The Commissioner shall make a determination that a hearing be held if the facts are in dispute or it is apparent additional information is necessary.~~
- f) ~~If the Commissioner determines that a hearing should be held, he shall, within 14 days after expiration of the 20 day period within which Claimant may file a Reply, notify the parties in writing as to the date, time and place of the hearing.~~

(Source: Repealed at 28 Ill. Reg. 1053, effective January 5, 2004)

Section 315.230 Motions (Repealed)

- a) ~~Motions preliminary to the hearing shall be in writing and served upon all parties and the hearing officer no later than 10 days prior to the hearing. Responses to such motions shall be in writing and served in similar manner no later than 5 days prior to the hearing.~~
- b) ~~The hearing officer shall rule upon a preliminary motion with a written ruling. Oral arguments will be heard on a preliminary motion unless the hearing officer determines that such oral arguments will delay the hearing date. The filing of a preliminary motion or response thereto shall not stay any hearing scheduled upon a Statement of Claim.~~
- e) ~~All other motions shall be in writing unless made during the hearing and shall be served in accordance with Section 315.260.~~

(Source: Repealed at 28 Ill. Reg. 1053, effective January 5, 2004)

Section 315.240 Appearances (Repealed)

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- a) ~~A party may appear on such party's own behalf or may be represented by an attorney.~~
- b) ~~An attorney who represents a party shall file an appearance with the hearing officer which shall state the party so represented, and the name, address and telephone number of the attorney.~~

(Source: Repealed at 28 Ill. Reg. 1053, effective January 5, 2004)

Section 315.250 Appointment of Hearing Officer (Repealed)

~~The Commissioner shall send notice of the appointment of a hearing officer to all parties together with the name and address of the hearing officer appointed.~~

(Source: Repealed at 28 Ill. Reg. 1053, effective January 5, 2004)

Section 315.260 Service (Repealed)

~~The original of all pleadings, including but not limited to all Statements of Claim, Responses, Responsive Statements, Replies, Motions and Responses to Motions, shall be served upon the Commissioner at 500 East Monroe Street, Springfield, IL 62701-1532. A copy shall be served upon the hearing officer, if any. Pleadings shall be served upon all persons required to receive them by hand delivery or certified mail. Service upon the attorney of record for a party shall be deemed service upon that party.~~

(Source: Repealed at 28 Ill. Reg. 1053, effective January 5, 2004)

Section 315.270 Procedures (Repealed)

~~Other procedural matters in the conduct of an arbitration of a dispute shall, to the extent not inconsistent with this Part 315, be governed by the following Sections of 38 Ill. Adm. Code 392 (Hearings Before the Commissioner of Banks and Trust Companies):~~

- a) ~~Form of Pleadings, by Section 392.90;~~
- b) ~~Consolidation of Hearing Proceedings, by Section 392.120;~~
- c) ~~Authority of Hearing Officer, by Section 392.130;~~
- d) ~~Prehearing Conferences, by Section 392.140;~~

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- e) ~~Subpoenas, by Section 392.150;~~
- f) ~~Discovery, by Section 392.160;~~
- g) ~~Evidence Depositions, by Section 392.170;~~
- h) ~~Conduct of a Hearing, by Section 392.180 except that in subsections (c), (e) and (g) of such Section, the word "Claimant" shall be substituted for "Commissioner";~~
- i) ~~Evidence, by Section 392.190;~~
- j) ~~Record of Hearing Proceedings, by Section 392.200;~~
- k) ~~Briefs, by Section 392.210;~~
- l) ~~Hearing Officer's Recommendation, by Section 392.220;~~
- m) ~~Commissioner's Determination, by Section 392.230; and~~
- n) ~~Construction of Rules, by Section 392.240.~~

(Source: Repealed at 28 Ill. Reg. 1053, effective January 5, 2004)

SUBPART D: TERMINALS

Section 315.410 Requirements for Surcharge Signage

No person operating a terminal in this State shall impose any surcharge on a consumer for the usage of that terminal unless that surcharge is clearly disclosed to the consumer by signage and display screen disclosures that comply with the following requirements:

- a) The sign must be on or at the terminal and be clearly visible to a consumer while operating the terminal.
- b) The sign must be no smaller than 4" x 4". It must bear the heading "FEE NOTICE" in at least 18 point type centered at the top of the notice. The actual text of the disclosure must be in at least 14 point type.
- c) The sign must clearly state the following:

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- 1) Name of the terminal operator.
 - 2) Explanation that transactions will receive a surcharge that will be deducted from the consumer's account in addition to any fees imposed by the access device issuer.
 - 3) Amount or calculation of the surcharge fee.
 - 4) The surcharge is assessed by the terminal operator and not the access device issuer.
- d) The display screen must, for a reasonable duration, clearly state the amount or calculation of the surcharge fee. In addition, the display screen must clearly give the consumer the unconditional right to cancel the transaction without incurring the surcharge fee.
- e) This Section does ~~not~~ apply to a point-of-sale purchase transaction at a terminal. |

(Source: Amended at 28 Ill. Reg. 1053, effective January 5, 2004)

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- 1) Heading of the Part: Rules Governing the Request for Reconsideration of Examination Findings
- 2) Code Citation: 38 Ill. Adm. Code 385
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
385.10	New
385.20	New
385.30	New
385.40	New
385.50	New
385.60	New
385.70	New
- 4) Statutory Authority: Implementing and authorized by Section 48(2) and (6)(a) of the Illinois Banking Act [205 ILCS 5/48(2) and 48(6)(a)], Section 0.05 of the Pawnbroker Regulation Act [205 ILCS 510/0.05], Sections 20 and 25 of the Electronic Fund Transfer Act [205 ILCS 616/20 and 25], Sections 5-1 and 5-2 of the Corporate Fiduciary Act [205 ILCS 620/5-1 and 5-2], Sections 17 and 18 of the Foreign Banking Office Act [205 ILCS 645/17 and 18], and Section 8 of the Foreign Bank Representative Office Act [205 ILCS 650/8].
- 5) Effective Date of Rulemaking: January 5, 2004
- 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 rules, 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: 27 Ill. Reg. 14936 on September 26, 2003
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: OBRE has incorporated JCAR's recommendations for nonsubstantive changes. In addition, OBRE clarified that although the regulated entity should make a good faith effort to resolve discrepancies in an informal manner, it was not a condition of filing a request for reconsideration of a

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Material Supervisory Determination in Section 385.30. It extended the time frame within which the regulated entity must file a request for reconsideration from 15 days to 45 days in Section 385.30. In Section 385.50 OBRE clarified that when reviewing the Material Supervisory Determination, OBRE would have access to all information that was available to the examiners when making the Material Supervisory Determination as well as facts and circumstances that were in existence at the time of the Material Supervisory Determination but may not have been discovered or came to the attention of the examiners or the regulated entity after the Material Supervisory Determination. Finally, OBRE removed provisions regarding informal conferences called by OBRE in Section 385.50.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: OBRE determined that our current process for filing appeals of examination findings could be improved. Our current policy addresses appeals by banks and under that policy, the bank is required to send a letter appealing the examiners' determinations within 15 days following the conclusion of the examination. At that time, the bank does not have a copy of the completed report of examination. The examiners have provided the bank with oral, preliminary findings and conclusions. This rule applies to pawnbrokers, as well as banks, corporate fiduciaries, foreign bank offices, and foreign bank representative offices. It provides the recipient of the report of examination ample time to review the final conclusions of the examiners and determine whether or not an appeal is necessary or warranted. The rule provides for a 2-level appeal process, beginning at the Division Director level and concluding, if necessary, at the Assistant Commissioner level. OBRE has the ability through the appeals process to sustain, modify or overturn any Material Supervisory Determination.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield IL 62701
217/782-6167

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

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NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 385
RULES GOVERNING THE REQUEST FOR
RECONSIDERATION OF EXAMINATION FINDINGS

Section	
385.10	Applicability
385.20	Definitions
385.30	Request for Reconsideration
385.40	Form of Request for Reconsideration
385.50	Initial Reconsideration Review
385.60	Final Review
385.70	Effect of Filing a Request

AUTHORITY: Implementing and authorized by Section 48(2) and (6)(a) of the Illinois Banking Act [205 ILCS 5/48(2) and 6(a)]; Section 0.05 of the Pawnbroker Regulation Act [205 ILCS 510/0.05]; Sections 20 and 25 of the Electronic Fund Transfer Act [205 ILCS 616/20 and 25]; Sections 5-1 and 5-2 of the Corporate Fiduciary Act [205 ILCS 620/5-1 and 5-2]; Sections 17 and 18 of the Foreign Banking Office Act [205 ILCS 645/17 and 18]; and Section 8 of the Foreign Bank Representative Office Act [205 ILCS 650/8].

SOURCE: Adopted at 28 Ill. Reg. 1062, effective January 5, 2004.

Section 385.10 Applicability

This Part shall apply to requests by Regulated Financial Institutions for reconsideration of Material Supervisory Determinations. The reconsideration process provides the management of these Regulated Financial Institutions with an informal procedure for review of Material Supervisory Determinations that they believe to be incorrect or based upon erroneous information. Enforcement actions and the appointment of a receiver are not subject to reconsideration under this Part.

Section 385.20 Definitions

“Assistant Commissioner” means the Assistant Commissioner of Banks and Real Estate, Bureau of Banks and Trust Companies.

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"Commissioner" means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner, the Office of Banks and Real Estate Act [20 ILCS 3205], or the Illinois Banking Act [205 ILCS 5].

"Chief Counsel" means the individual appointed by the Commissioner to serve as the Chief Counsel to the Office of Banks and Real Estate, Bureau of Banks and Trust Companies, or his or her delegated representative.

"Division Director" means the individual appointed by the Commissioner to directly manage and supervise the examination and regulation of specific Regulated Financial Institutions. Division Directors include, but are not limited to, the Administrator of Pawnbroker Regulation; the Director of Commercial Bank Supervision-Springfield; the Director of Commercial Bank Supervision-Chicago; the Director of International Bank Supervision; and the Director of Specialized Activities Supervision.

"Material Supervisory Determinations" include, but are not limited to, material determinations related to UFIRS Ratings assigned to a State bank, ROCA/ROC Ratings assigned to a Foreign Banking Office or Foreign Banking Representative Office, UITRS Ratings assigned to a corporate fiduciary, and URSIT Ratings assigned to Information Technology; the adequacy of loan reserve provisions; loan classifications; and findings resulting from an examination of a pawnshop.

"ROCA/ROC Rating" means the rating assigned to a Foreign Banking Office and a Foreign Bank Representative Office, respectively, by the Commissioner based upon a composite evaluation of the following performance components: Risk Management; Operational Controls; Compliance; and Asset Quality. The rating assigned to each individual performance component will be assigned a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

"Regulated Financial Institution" means a pawnshop, bank, corporate fiduciary, foreign banking office, foreign bank representative office, or a subsidiary, affiliate, parent company, or contractual service provider of the bank, corporate fiduciary, foreign banking office, or foreign bank representative office, subject to examination by the Commissioner.

"UFIRS Rating" means the rating assigned to a State bank by the Commissioner based upon a composite evaluation of the following six individual performance components of the Uniform Financial Institutions Rating System: Capital; Asset

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Quality; Management; Earnings; Liquidity; and Sensitivity to Market Risk. The UFIRS Rating and the rating assigned to each individual performance component will be assigned a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

“UITRS Rating” means the rating assigned to a corporate fiduciary by the Commissioner based upon a composite evaluation of the following performance components of the Uniform Interagency Trust Rating System: Management; Operations, Internal Controls and Auditing; Earnings; Compliance; and Asset Management. The rating assigned to each individual performance component will be assigned a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

“URSIT Rating” means the rating assigned to a Regulated Financial Institution’s information systems by the Commissioner based upon a risk evaluation of the following components of the Uniform Rating System for Information Technology: Audit; Management; Development and Acquisition; and Support and Delivery. The rating assigned to each individual performance component will be assigned a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

Section 385.30 Request for Reconsideration

A Regulated Financial Institution may submit a request for a reconsideration of a Material Supervisory Determination (request for reconsideration) with respect to any Material Supervisory Determination but it first should make a good faith effort to resolve the dispute with the Examiner in Charge either during the course of the examination or as soon as possible following completion of the examination. Although an informal resolution of the dispute over the Material Supervisory Determination is encouraged, it is not a condition of filing a request for reconsideration. A request for reconsideration shall be initiated no later than 45 calendar days from the receipt of a Final Report of Examination, unless the time is extended at the discretion of the Commissioner. The board of directors of a bank, corporate fiduciary, or incorporated business entity, the local management of a foreign banking organization, or senior management in the case of an unincorporated business entity shall approve any request for reconsideration. Any request for reconsideration shall be in writing and shall be made to the Office of Banks and Real Estate to the attention of the appropriate Division Director.

Section 385.40 Form of Request for Reconsideration

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A written request for reconsideration shall:

- a) clearly state the Material Supervisory Determination submitted for reconsideration;
- b) provide all documents or other evidence and information that the Regulated Financial Institution believes will support the request for reconsideration; and
- c) clearly state the relief requested.

Section 385.50 Initial Reconsideration Review

- a) The appropriate Division Director shall consider the written request for reconsideration and all documents, evidence, and information submitted by the Regulated Financial Institution, provided that the documents, evidence, and information are limited to facts and circumstances that existed prior to or at the time of the Material Supervisory Determination. The Division Director may also consider facts or circumstances that existed prior to or at the time of the Material Supervisory Determination but that may have been discovered or come to the attention of the Regulated Financial Institution after the Material Supervisory Determination.
- b) The appropriate Division Director shall also consider documents, evidence, and information submitted or prepared by the Division examination staff, including but not limited to the Final Report of Examination and any work papers associated with the Final Report of Examination. The documents, evidence, and information that the Division Director may consider are limited to facts and circumstances that existed prior to or at the time of the Material Supervisory Determination. The Division Director may consider facts or circumstances that existed prior to or at the time of the Material Supervisory Determination but that may have been discovered or come to the attention of the examination staff after the Material Supervisory Determination.
- c) The appropriate Division Director shall prepare and deliver to the Regulated Financial Institution a written disposition of initial review within 30 calendar days from receipt by the Office of Banks and Real Estate of a request for reconsideration. The written disposition of initial review may sustain, modify, or overturn any Material Supervisory Determination.

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- d) If the Division Director conducted the examination that resulted in the Material Supervisory Determination that the Regulated Financial Institution is appealing, the initial review provided under this Section shall be waived. The written disposition of initial review shall direct the Regulated Financial Institution to proceed to a final review as provided in Section 385.60 of this Part.

Section 385.60 Final Review

- a) If the Regulated Financial Institution disagrees with the Division Director's written disposition of initial review or if the initial review is waived pursuant to Section 385.50(d), it may seek a final review before the Assistant Commissioner.
- b) Any request by a Regulated Financial Institution for final review of a Material Supervisory Determination shall be initiated no later than 15 calendar days from the receipt of the written disposition of initial review, unless the time is extended at the discretion of the Commissioner. The Regulated Financial Institution's board of directors, local management, or senior management, as applicable, shall approve any request for final review of a Material Supervisory Determination. Any request for final review of a Material Supervisory Determination shall be in writing and shall be made to the Assistant Commissioner.
- c) The Assistant Commissioner may select a final review panel consisting of Division Directors and the Chief Counsel or their designated representatives. In addition, the Assistant Commissioner may appoint others, including but not limited to examiners, attorneys, or outside experts, to sit on the final review panel. The Assistant Commissioner may also choose to sit on the final review panel. Neither the Division Director responsible for the written disposition of initial review nor his designated representative shall be selected as a member of the final review panel. In addition, the Assistant Commissioner may not select as a member of the final review panel a Division Director who conducted the examination that is the basis for the Material Supervisory Determination being appealed. If the Assistant Commissioner appoints a final review panel, the Assistant Commissioner shall notify the Regulated Financial Institution of the appointment and of the time frame within which the final review panel will make its recommendation and the Assistant Commissioner will act on it.
- d) The Assistant Commissioner, or the final review panel if one is appointed, shall review all documents, evidence, and information considered in connection with the written disposition of initial review. Additional evidence, documents, or information not previously submitted may be reviewed at the discretion of the

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Assistant Commissioner or final review panel, if one is appointed, provided that the documents, evidence, and information that may be considered are limited to facts and circumstances that existed prior to or at the time of the Material Supervisory Determination. The provisions of this subsection are subject to the provisions of Section 48.3 of the Illinois Banking Act and Section 5-2 of the Corporate Fiduciary Act regarding confidential supervisory information.

- e) If the Assistant Commissioner appoints a final review panel, within 30 calendar days from the receipt by the Assistant Commissioner of a request for final review, that panel shall make a written recommendation to the Assistant Commissioner to sustain, modify, or overturn any Material Supervisory Determination.
- f) Within 15 calendar days from the receipt of the written recommendation of the final review panel, the Assistant Commissioner shall provide written notification to the Regulated Financial Institution of his or her final decision related to the request for reconsideration. The Assistant Commissioner may accept, reject, or modify the recommendation received from the final review panel.
- g) If the Assistant Commissioner does not appoint a final review panel, within 30 calendar days after his or her receipt of a request for final review, he or she shall provide written notification to the Regulated Financial Institution of his or her final decision to sustain, modify, or overturn the Material Supervisory Determination at issue.

Section 385.70 Effect of Filing a Request

A Material Supervisory Determination shall remain in effect while under review for reconsideration and until such time as it is either sustained, modified, or overturned. Any request for reconsideration shall not prevent the Commissioner from taking any supervisory or enforcement action he or she deems appropriate or necessary under any statutory provision.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Determination Of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3)

	<u>Section Numbers:</u>	<u>Adopted Action:</u>
2770.110	Amend	
2770.111	Amend	
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701
- 5) Effective Date of the Amendments: January 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation 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: October 17, 2003 at 27 Ill. Reg. 16087
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the amendments: The proposed amendments to Part 2770 announce the 2004 contribution rates for newly liable employers by classification within the North American Industry Classification System (NAICS). The NAICS replaces the outdated Standard Industrial Classification System. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the subsection with the rates for 1998 as it is no longer needed.

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- 16) Information and questions regarding these adopted amendments may be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street – 7 South
Chicago, Illinois 60605
(312) 793-4240

The full text of the adopted amendments begin on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2770
DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section

2770.100	Pre 2003 Industrial Classification
2770.101	Post 2002 Industrial Classification
2770.105	Pre 2003 Contribution Rate For Non Experience-Rated Employers
2770.106	Post 2002 Contribution Rate For Non Experience-Rated Employers
2770.110	Average Contribution Rates By Standard Industrial Classification (SIC) Codes
2770.111	Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

SUBPART B: ALTERNATIVE BENEFIT WAGE RATIO (Repealed)

2770.150	Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
2770.155	Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
2770.160	Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
2770.165	Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
2770.170	Appeals (Repealed)

SUBPART C: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO
SUBSEQUENT EMPLOYER (Repealed)

2770.400	Definitions (Repealed)
2770.405	Application Of Base Period Wages (Repealed)
2770.410	Restriction On Benefit Wage Transfers (Repealed)
2770.415	Benefit Wage Transfer Procedural Requirements (Repealed)
2770.420	Petition For Hearing (Repealed)

SUBPART D: BENEFIT WAGE CANCELLATIONS

2770.501	Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act
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2770.TABLE A General SIC Classification

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days; expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. 15496, effective January 1, 1998; amended at 23 Ill. Reg. 155, effective January 1, 1999; amended at 23 Ill. Reg. 14299, effective January 1, 2000; amended at 24 Ill. Reg. 19125, effective January 1, 2001; amended at 26 Ill. Reg. 393, effective January 1, 2002; amended at 27 Ill. Reg. 2598, effective February 1, 2003; amended at 28 Ill. Reg. 1071, effective January 1, 2004.

SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

- a) ~~The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1998, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:~~
- | Digits | Economic Division | Rate |
|-------------------|------------------------------|-----------------|
| | | |

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01-09	A.—Agriculture, Forestry, Fishing	3.1%
10-14	B.—Mining	3.4%
15-17	C.—Construction	3.5%
20-39	D.—Manufacturing	1.9%
40-49	E.—Transportation, Communication, Electric, Gas, Sanitary Services	1.9%
50-51	F.—Wholesale Trade	1.5%
52-59	G.—Retail Trade	1.2%
60-67	H.—Finance, Insurance, Real Estate	1.2%
70-89	I.—Services	1.2%
91-97	J.—Public Administration	1.1%

- b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1999, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.2%
15-17	C. Construction	3.3%
20-39	D. Manufacturing	1.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.8%
50-51	F. Wholesale Trade	1.4%
52-59	G. Retail Trade	1.1%
60-67	H. Finance, Insurance, Real Estate	1.1%
70-89	I. Services	1.1%
91-97	J. Public Administration	1.0%

- be) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2000, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.1%
15-17	C. Construction	3.2%
20-39	D. Manufacturing	1.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.8%

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50-51	F.	Wholesale Trade	1.3%
52-59	G.	Retail Trade	1.0%
60-67	H.	Finance, Insurance, Real Estate	1.0%
70-89	I.	Services	1.1%
91-97	J.	Public Administration	1.0%

- cd) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2001, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.8%
10-14	B. Mining	3.2%
15-17	C. Construction	3.0%
20-39	D. Manufacturing	1.6%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.6%
50-51	F. Wholesale Trade	1.2%
52-59	G. Retail Trade	0.9%
60-67	H. Finance, Insurance, Real Estate	1.0%
70-89	I. Services	1.0%
91-97	J. Public Administration	0.9%

- de) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2002, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.7%
10-14	B. Mining	3.1%
15-17	C. Construction	2.8%
20-39	D. Manufacturing	1.5%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.5%
50-51	F. Wholesale Trade	1.1%
52-59	G. Retail Trade	0.8%
60-67	H. Finance, Insurance, Real Estate	0.9%
70-89	I. Services	0.9%
91-97	J. Public Administration	0.8%

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(Source: Amended at 28 Ill. Reg. 1071, effective January 1, 2004)

Section 2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

- a)** The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2003, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.5%
21	Mining	3.1%
22	Utilities	1.2%
23	Construction	2.7%
31-33	Manufacturing	1.7%
42	Wholesale Trade	1.3%
44-45	Retail Trade	1.0%
48-49	Transportation and Warehousing	1.8%
51	Information	1.3%
52	Finance and Insurance	0.9%
53	Real Estate and Rental and Leasing	1.0%
54	Professional, Scientific and Technical Services	1.0%
55	Management of Companies and Enterprises	1.3%
56	Administrative and Support and Waste Management	2.0%
61	Educational Services	0.8%
62	Health Care and Social Assistance	0.7%
71	Arts, Entertainment and Recreation	1.5%
72	Accommodation and Food Services	0.8%
81	Other Services (except Public Administration)	0.9%
92	Public Administration	0.8%
99	Unclassified	1.1%

- b)** The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set

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forth in Section 1506.3 of the Act, for calendar year 2004, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

<u>Digits</u>	<u>Economic Sector</u>	<u>Rate</u>
<u>11</u>	<u>Agriculture, Forestry, Fishing and Hunting</u>	<u>1.7%</u>
<u>21</u>	<u>Mining</u>	<u>2.9%</u>
<u>22</u>	<u>Utilities</u>	<u>1.5%</u>
<u>23</u>	<u>Construction</u>	<u>3.0%</u>
<u>31-33</u>	<u>Manufacturing</u>	<u>2.4%</u>
<u>42</u>	<u>Wholesale Trade</u>	<u>1.7%</u>
<u>44-45</u>	<u>Retail Trade</u>	<u>1.2%</u>
<u>48-49</u>	<u>Transportation and Warehousing</u>	<u>2.2%</u>
<u>51</u>	<u>Information</u>	<u>1.9%</u>
<u>52</u>	<u>Finance and Insurance</u>	<u>1.2%</u>
<u>53</u>	<u>Real Estate and Rental and Leasing</u>	<u>1.2%</u>
<u>54</u>	<u>Professional, Scientific and Technical Services</u>	<u>1.4%</u>
<u>55</u>	<u>Management of Companies and Enterprises</u>	<u>1.7%</u>
<u>56</u>	<u>Administrative and Support and Waste Management</u>	<u>2.5%</u>
<u>61</u>	<u>Educational Services</u>	<u>1.0%</u>
<u>62</u>	<u>Health Care and Social Assistance</u>	<u>0.9%</u>
<u>71</u>	<u>Arts, Entertainment and Recreation</u>	<u>1.7%</u>
<u>72</u>	<u>Accommodation and Food Services</u>	<u>1.0%</u>
<u>81</u>	<u>Other Services (except Public Administration)</u>	<u>1.1%</u>
<u>92</u>	<u>Public Administration</u>	<u>0.9%</u>
<u>99</u>	<u>Unclassified</u>	<u>1.2%</u>

(Source: Amended at 28 Ill. Reg. 1071, effective January 1, 2004)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Impartial Hearing Officer Standards
- 2) Code Citation: 2 Ill. Adm. Code 1177
- 3) Section Numbers: 1177.10 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation [20 ILCS 2405/3], authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16], and Section 10-20 of the Illinois Administrative Procedure Act [5 ILCS 100/10-20].
- 5) Effective date of amendment? December 31, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A statement that a copy of the adopted rulemaking including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposed published in the Illinois Register: Title 2 does not require publication in the *Illinois Register*. Filing as adopted.
- 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 made.
- 13) Will this amendment replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendment: This rulemaking is being proposed to change the Chapter heading in the Title from IV to XX and to make minor grammatical changes.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Tracie Drew

DEPARTMENT OF HUMAN SERVICES

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Bureau Chief of Administrative Rules
100 South Grand Ave. East
Springfield IL 62702
(217) 785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 50/5-25] No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATIONAL
SUBTITLE D: CODE DEPARTMENTS
CHAPTER ~~XXIV~~: DEPARTMENT OF HUMAN SERVICESPART 1177
IMPARTIAL HEARING OFFICER STANDARDS

SUBPART A: IMPARTIAL HEARING OFFICER STANDARDS

Section
1177.10 Impartial Hearing Officer Standards

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16], and Section 10-20 of the Illinois Administrative Procedure Act [5 ILCS 100/10-20].

SOURCE: Adopted at 16 Ill. Reg. 12778, effective August 3, 1992; emergency amendment at 17 Ill. Reg. 11766, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20415, effective November 15, 1993; amended at 27 Ill. Reg. 16104, effective October 1, 2003; amended at 28 Ill. Reg. 1079, effective December 31, 2003.

SUBPART A: IMPARTIAL HEARING OFFICER STANDARDS

Section 1177.10 Impartial Hearing Officer Standards

An impartial hearing officer conducting a Department of Human Services-Office of Rehabilitation Services (DHS-ORS) hearing may not be an employee of DHS, a member of DHS' State Rehabilitation Council, or an employee of any public agency, with the exceptions of administrative law judges, hearing examiners or employees of institutions of higher education, and shall have the following qualifications:

- a) ~~attainment of~~ ~~be~~ at least 21 years of age;
- b) ~~have~~ a bachelor's degree or equivalent professional experience in the area of human services;
- c) ~~have~~ knowledge of the delivery of vocational rehabilitation and other DHS-ORS services, the ~~Title~~ I State Plan and federal and DHS rules governing the provision of services;

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- d) ~~have~~ no personal, professional, or financial interest that would conflict with objectivity; and
- e) attendance at~~have attended~~ DHS-ORS Impartial Hearing Officer Training.

(Source: Amended at 28 Ill. Reg. 1079, effective December 31, 2003)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
10.250	Amendment
10.270	Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]
- 5) Effective Date of Amendments: December 31, 2003
- 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) Notice of Proposal Published in Illinois Register: July 25, 2003 (27 Ill. Reg. 11346)
- 10) Has JCAR issued a statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No substantive changes were made in the text of the proposed amendments.
- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
10.220	Amendment	27 Ill. Reg. 15221; October 3, 2003
- 15) Summary and Purpose of Amendments: In order to simplify reporting requirements for working clients, these amendments eliminate quarterly reporting for Food Stamp households with earned income and TANF units with earned income. As a result, these

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amendments revise the requirements for reporting changes of circumstances for these households. Food Stamp households with earned income and TANF units with earned income will no longer be required to file quarterly reports. They will instead be redetermined every 6 months. These redeterminations will alternate between a face-to-face interview and a simplified mail-in form.

Companion amendments are being adopted in 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 121.

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

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONSPART 10
GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section	
10.101	Incorporation by Reference
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	
10.210	Rights of Clients
10.220	Nondiscrimination
10.225	Grievance Rights of Clients
10.230	Confidentiality of Case Information
10.235	Case Records
10.250	Reporting Change of Circumstances
10.263	Reporting Child Abuse/Neglect
10.268	Reporting Elder Abuse/Neglect
10.270	Notice to Client
10.280	Right to Appeal
10.281	Continuation of Assistance Pending Appeal
10.282	Time Limit for Filing an Appeal
10.283	Examining Department Records
10.284	Child Care
10.290	Voluntary Repayment of Assistance
10.295	Correction of Underpayments
10.300	Recovery of Assistance
10.310	Estate Claims
10.320	Real Property Liens
10.330	Filing and Renewal of Liens
10.340	Foreclosure of Liens
10.350	Release of Liens

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- 10.360 Personal Injury Claims
- 10.370 Convictions of Fraud – Eligibility
- 10.380 Single Conviction of Fraud – Administrative Review Board

SUBPART C: APPLICATION PROCESS

Section

- 10.410 Application for Assistance
- 10.415 Local Office Action on Application for Public Assistance
- 10.420 Time Limitations on the Disposition of an Application
- 10.430 Approval of an Application and Initial Authorization of Financial Assistance
- 10.438 General Assistance Approval Provisions
- 10.440 Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. 7856, effective May 16, 2000; amended at 24 Ill. Reg. 18153, effective November 30, 2000; amended at 25 Ill. Reg. 7170, effective May 24, 2001; amended at 28 Ill. Reg. 1083, effective December 31, 2003.

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section 10.250 Reporting Change of Circumstances

- a) General
It is the responsibility of the client to report any change in circumstances, including but not limited to household composition or receipt of income or assets that might affect the client's assistance. This information shall be reported to the local office within ten working days after the change or prior to the expenditure of funds received, whichever occurs first. For food stamp households with earned income and TANF cases with earned income, see 89 Ill. Adm. Code 121.125 and 89 Ill. Adm. Code 112.302.
- b) AABD
When an individual other than the recipient maintains the recipient's funds (income and/or assets), it is the responsibility of that individual to report any changes in circumstances to the local office. Any changes that may affect the

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recipient's continued eligibility for financial assistance, including receipt of lump-sum payments, shall be reported to the local office within ten working days after the change.

(Source: Amended at 28 Ill. Reg. 1083, effective December 31, 2003)

Section 10.270 Notice to Client

- a) Every applicant for assistance shall be sent or given a written notice of disposition of the application.
- b) Every recipient for assistance shall be sent or given a written notice whenever assistance is reduced or discontinued.
- c) Notices denying, reducing, or discontinuing assistance shall contain the following information:
 - 1) A clear statement of the action being taken.
 - 2) A clear statement of the reason for the action.
 - 3) A reference to the statute, rule, or policy provision under the authority of which the action is taken. From March 1997 through March 1998, references to provisions of the Department's policy manuals using the numbering system in use in 1996 shall be deemed to be references to the corresponding provisions of the new numbering system introduced in 1997.
 - 4) A complete statement of the client's right to appeal (see subsection (d) below and Sections 10.280 through 10.282).
- d) Timely Notice
 - 1) All notices concerning local office reduction or discontinuance of assistance shall be "timely" ~~except notices to cases in monthly reporting when the adverse action is due to information received on the monthly report or due to failure to submit a complete monthly report.~~ A "timely" notice shall be mailed or given at least ten calendar days prior to the date the reduction or discontinuance will occur, and shall inform the client that if the client files an appeal by the date the reduction or discontinuance will

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occur, his or her assistance will be continued at its previous level, pending the results of the appeal unless the client specifically requests that the assistance benefits not be continued. The notice shall be dated with the date it is mailed or given. (Day one of the ten day period is the day following the date on the notice. Day ten may be no later than the date the reduction or discontinuance will occur.)

- 2) Notices sent concerning reduction or discontinuance of assistance by agency action initiated centrally ~~and notices to cases in monthly reporting when the action is due to information received on the monthly report or due to failure to submit a complete monthly report~~ may be either "timely" or "adequate", as defined by federal regulation. When timely notice is not required and an adequate notice is sent less than ten days before the date of change, the client may receive continued benefits if the appeal is filed within ten days after the date of notice. (See 89 Ill. Adm. Code 112.302.)
- e) Temporary Assistance for Needy Families
- 1) Every recipient who makes a written request for a grant increase or a special authorization shall be sent or given written notice of the disposition of the request within 45 days after the date of the request.
 - 2) Every recipient who makes a request for General Assistance (89 Ill. Adm. Code 116) shall be sent or given a written notice of the disposition of the request within 45 days after the date of the request.
- f) Approval of General Assistance as a result of cancellation of TANF or AABD or reduction of TANF (Applicable Only in City of Chicago)
- 1) A notice of intended cancellation or reduction of benefits is sent to a TANF or AABD recipient, in the City of Chicago, whose assistance is discontinued or a person deleted from the assistance unit (AFDC only) for one of the following reasons:
 - A) AABD: no longer blind, disabled.
 - B) TANF:
 - i) no longer an eligible child in the home,

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- ii) stepparent's liability sufficient to meet need,
 - iii) stepparent failed to verify income.
- 2) If a recipient from one of the programs listed in subsection (f)(1) of this Section applies for General Assistance (GA) within 30 days after the notice of cancellation or reduction of benefits and if that recipient is determined to be eligible for GA, such benefits shall be authorized with no gap in assistance (see also Section 10.430).
- g) Food Stamp households shall be notified:
- 1) If there is no change in benefits following submission of a change report form.
 - 2) If food stamp benefits are being reduced or discontinued, the following additional information shall be included on the notice:
 - A) the telephone number of the local DHS office;
 - B) a statement indicating the household's liability for benefits received while waiting for a fair hearing decision, if the decision is adverse to the household; and
 - C) a statement indicating the general availability of outside individuals or organizations providing free legal representation and the telephone numbers of those individuals or organizations.
 - 3) A notice of approval shall be sent to eligible households by the 30th day following the date of application. If the household is found not eligible to participate, the notice of denial shall be sent by the 30th day following the date of application.
 - 4) If the local office cannot act on an application by the 30th day because the case file is incomplete due to a household's delay, a notice of denial shall be sent on the 30th day. However, the household has an additional 30 days to complete the application. If the delay is caused by the local office, a notice of pending status shall be sent to the household by the 30th day.

(Source: Amended at 28 Ill. Reg. 1083, effective December 31, 2003)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.302 Adopted Action:
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) Effective Date of Amendment: December 31, 2003
- 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) Notice of Proposal Published in Illinois Register: July 25, 2003 (27 Ill. Reg. 11353)
- 10) Has JCAR Issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In Section 112.302(g), "If the form is incomplete, the Department will send the client a notice advising of the incomplete form and that the client has 10 days to complete the form." was added as the second sentence.

No other substantive changes were made in the text of the proposed amendments.
- 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 amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part: Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.67	Amendment	27 Ill. Reg. 15226; October 3, 2003
112.74	Amendment	27 Ill. Reg. 15226; October 3, 2003
112.79	Amendment	27 Ill. Reg. 15226; October 3, 2003

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112.80	Amendment	27 Ill. Reg. 15226; October 3, 2003
112.110	Amendment	27 Ill. Reg. 9360; October 3, 2003
112.115	Repeal	27 Ill. Reg. 9360; October 3, 2003
112.127	Amendment	27 Ill. Reg. 15226; October 3, 2003
112.251	Amendment	27 Ill. Reg. 15226; October 3, 2003

- 15) Summary and Purpose of Amendment: In order to simplify reporting requirements for working clients, this amendment eliminates quarterly reporting for Food Stamp households with earned income and TANF cases with earned income. As a result, this amendment revises the requirements for reporting changes of circumstances for these households. Food Stamp households with earned income and TANF cases with earned income will no longer be required to file quarterly reports. They will instead be redetermined every six months. These redeterminations will alternate between a face-to-face interview and a simplified mail-in form. These changes are being made in accordance with provisions at 7 CFR 273.12(a)(vii).

Companion amendments are being adopted in 89 Ill. Adm. Code 10 and 89 Ill. Adm. Code 121.

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

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

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SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

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)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

DEPARTMENT OF HUMAN SERVICES

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Section

112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits (Repealed)
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

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SUBPART H: PAYMENT AMOUNTS

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	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 Parents 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)

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- 112.352 Child Care Eligibility (Repealed)
- 112.354 Qualified Provider (Repealed)
- 112.356 Notification of Available Services (Repealed)
- 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; preemptory 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; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory 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; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency

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amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; 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; preemptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency

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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 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;

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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 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;

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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; 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. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003.

SUBPART I: OTHER PROVISIONS

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Section 112.302 Reporting Requirements for Clients with Earnings

- a) All assistance units ~~that which~~ contain a member with budgetable earnings who is employed or who has lost employment within the last three months must submit a written redetermination completed report form to the Department every six months quarterly. Clients with budgetable earnings must report all changes at redetermination. ~~The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to eligibility for the budget month and any changes in these factors which the unit expects to occur in the current month or in future months.~~
- b) All units ~~that which~~ contain a member with budgetable earnings must report quarterly shall have benefits calculated for sixthree months by considering income and attendant circumstances on a prospective basis.
- c) Earnings shall be budgeted prospectively for a sixthree-month period based on the redetermination form ~~quarterly report provided by the client~~. Income averaging will be used to determine the amount of income to budget for a sixthree-month period.
- d) ~~Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, is determined by adding the gross earned income (minus self-employment business expenses and the two-thirds earned income deduction) and the gross unearned income (including the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment for which the client is eligible is the amount of the difference.~~ e) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.
- e) At intake, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll

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payment amount will be computed using income averaging.

- ~~f~~g) When the redetermination has been completed ~~quarterly report is received~~, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. ~~If the grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.~~
- ~~g~~h) If the Department does not receive the redetermination form ~~quarterly report~~ or receives only an incomplete redetermination form ~~report~~, cash assistance may be terminated. If the form is incomplete, the Department will send the client a notice advising of the incomplete form and that the client has 10 days to complete the form. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.
- ~~h~~) All reported changes will be acted upon. For changes reported other than at redetermination, if the change results in an increase in benefits, the increase will be effective for the month following the month the change is reported. If the change results in a decrease in benefits, the decrease will be effective the first month that can be affected following the end of the 10-day timely notice period. i) If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period. j) If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period shall not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined. All caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of

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~~the requirements and be informed of the due date for the first report.~~

(Source: Amended at 28 Ill. Reg. 1090, effective December 31, 2003)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.10	Amendment
121.41	Amendment
121.120	Amendment
121.125	New Section
121.145	Repeal
- 4) Statutory 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].
- 5) Effective Date of Amendments: December 31, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 25, 2003 (27 Ill. Reg. 11367)
- 10) Has JCAR Issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
The following sentence was added at the end of Section 121.125(a):

"If an incomplete mail-in redetermination form is received, the Department will send the client a notice advising of the incomplete form and that the client has 10 days to complete the form."

No other substantive changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part: Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.20	Amendment	27 Ill. Reg. 13936; August 22, 2003

- 15) Summary and Purpose of Rule: In order to simplify reporting requirements for working clients, these amendments eliminate quarterly reporting for Food Stamp households with earned income and TANF units with earned income. As a result, these amendments revise the requirements for reporting changes of circumstances for these households. Food Stamp households with earned income and TANF units with earned income will no longer be required to file quarterly reports. They will instead be redetermined every 6 months. These redeterminations will alternate between a face-to-face interview and a simplified mail-in form. These changes are being made in accordance with provisions at 7 CFR 273.12(a)(vii).

Companion amendments are being adopted in 89 Ill. Adm. Code 10 and 89 Ill. Adm. Code 112.

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

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

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

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NOTICE OF ADOPTED AMENDMENTS

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 (Repealed)
121.91 Monthly Reporting (Repealed)
121.92 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 ~~Redetermination Recertification~~ of Eligibility
121.125 Redetermination of Earned Income Households
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 (Repealed)

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

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- 121.164 Orientation (Repealed)
- 121.165 Community Work
- 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)

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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].

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 a 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.

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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. Reg. 14692, effective August 29, 1986; peremptory 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; peremptory 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; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory 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; peremptory 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; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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 of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective

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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; 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; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective

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February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003.

SUBPART A: APPLICATION PROCEDURES

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 ~~redeterminations-recertifications~~. For earned income households, an interview is required at every other redetermination (see Section 121.125).
- 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.

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- 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;
 - 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

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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 30 days after the application is filed. If a household fails to appear for the scheduled interview, the Department will issue a Notice of Missed Interview that will inform the household that the household missed its scheduled interview and that the household is responsible for requesting another interview.

(Source: Amended at 28 Ill. Reg. 1104, effective December 31, 2003)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.41 Budgeting Earned Income

- a) When determining eligibility and level of benefits, income received during the month in which the household applies shall be budgeted. However, for those categorically eligible households with a reopened food stamp application, income received during the first month of AFDC/SSI/Interim Assistance/GA, eligibility shall be budgeted. When recertified, income which the household anticipates receiving during the certification period starting the month following the expiration of the current certification period shall be budgeted.
- b) The Department shall consider income already received by the household and any anticipated income that is reasonably certain to be received. Income received in the fiscal month prior to the fiscal month of application shall be used as an indication only if income is stable. Anticipated income shall be counted only in the month received. Income which is not certain to be received either on amount or date shall not be counted.
- c) Households anticipating variable income over the certification period shall have their income averaged ~~unless the household requests otherwise.~~
- d) The earned income of special situation households shall be treated as follows:

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- 1) Self Employed
 - A) Self-employment income which represents a household's annual income shall be averaged over a 12-month period even if the income is received within a shorter period of time during the 12 months.
 - B) Self-employment income which is intended to meet the household's needs for only part of the year shall be averaged over the period of time the income is intended to cover.
- 2) Resident Farm Laborers
 - A) If resident farm laborers are paid for work done only during the work season and such payments are anticipated to be the only source of income during the year, the income shall be averaged over the 12-month period.
 - B) If the household receives advance or deferred payments during the non-work season or has income from other sources, the income shall not be averaged but shall reflect the actual receipt of the income.
- e) School Contractual Employees
Those households that derive their income in a period of time shorter than one year shall have that income averaged over a 12-month period, provided the income is not received on an hourly or piecework basis.
- f) Self-Employed Farmers
A deduction is allowed from other countable household income for the costs of producing income which exceeds the income derived from self-employment as a farmer. An individual is considered a self-employed farmer if annual gross proceeds of \$1,000 or more are anticipated or received from a farming enterprise.

(Source: Amended at 28 Ill. Reg. 1104, effective December 31, 2003)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.120 Redetermination Recertification of Eligibility

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- a) ~~A recertification of food stamp eligibility and basis of issuance for an assistance household is to be made at each redetermination of the assistance case. However, a recertification is not required at a semi-annual redetermination.~~ b) A review of food stamp eligibility and basis of issuance for non-assistance household shall be made prior to the end of each certification period in which they are receiving food stamp benefits. c) ~~Redetermination Recertification~~ involves the completion of an application ~~or Request~~, an interview, a review of eligibility and cooperation in the verification of eligibility. For earned income households, see Section 121.125. The local office shall provide the household with an opportunity to participate in its normal issuance cycle.
- bd) In order to receive uninterrupted benefits, the household must:
- 1) file a timely application ~~or Request for recertification~~;
 - A) households certified for more than two months must file an application by the 15th calendar day of the last month of the certification period.
 - B) households certified for one or two months must file an application within 17 calendar days from the date of Notice of Eligibility/Expiration of Certification.
 - 2) appear for the interview that is scheduled after the application is timely filed; and
 - 3) provide all requested verifications within ten calendar days after the date the verification was requested.
- ce) The household is responsible for requesting another interview if it fails to appear for the interview that was scheduled after the application was filed.
- df) The redetermination application of a food stamp unit who ~~files a request for recertification but~~ fails to appear for a scheduled interview or provide requested verifications within ten calendar days is denied.
- 1) If a food stamp unit cooperates before the end of the current approval period, the application is reopened and a full month's benefit is given for the first month of the new period ~~requests an interview or provides requested verification within 30 days from the date of its recertification~~

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~~application, the application must be reopened.~~

- 2) If the food stamp unit cooperates after the end of the current approval period but within 30 days after the end of the period, the application is reopened and benefits are prorated from the date of cooperation~~is found eligible, the local office must provide the unit benefits within 30 calendar days from the date of application or 10 calendar days from the date the interview is completed or the verification is provided, whichever is later. A food stamp unit shall not receive benefits for a subsequent approval period before the end of its current approval period.~~

eg) Amount of food stamp benefits

- 1) Except as provided in subsection (dg)(2) of this Section, households that file the application ~~for recertification~~ after the last day of the previous certification period, shall have benefits prorated from the date that the application was filed. Households that are certified for one or two months will not have benefits prorated if the application is filed within 17 calendar days of the date of Notice of Eligibility/Expiration of Certification.
- 2) Migrant and seasonal farmworker households shall receive a full allotment for the month of application if the household participated in the Food Stamp Program within 30 days prior to the date of application.

- fh) If a redetermination ~~recertification~~ application is pending and uninterrupted benefits cannot be provided due to the ten day verification standard, then the local office must provide benefits within five working days after the date the household provides the verification.

(Source: Amended at 28 Ill. Reg. 1104, effective December 31, 2003)

Section 121.125 Redetermination of Earned Income Households

- a) Food stamp households with a member who has earned income (see Section 121.40(b)), except for those households defined in subsection (b) of this Section, are redetermined every six months. The six-month redeterminations alternate between a face-to-face interview and a mail-in redetermination form. If an incomplete mail-in redetermination form is received, the Department will send the client a notice advising of the incomplete form and that the client has 10 days to

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complete the form.

- b) The following households are not earned income households:
 - 1) migrant households in the migrant job stream;
 - 2) persons who receive income from sheltered workshops; and
 - 3) households with persons who receive Aid to the Aged, Blind or Disabled (see 89 Ill. Adm. Code 113), unless another household member has earned income.
- c) Earned income households have their benefits calculated prospectively for six months. Income averaging is used to determine the amount of income to budget for the next six months, based on the income received during the fiscal months before the last month of the approval period.
- d) During the six months between redeterminations, the household is only required to report when gross income exceeds the household's gross income limit (130% of the Federal Poverty Level).
- e) For any reported change that results in an increase in benefits, benefits are increased for the fiscal month following the fiscal month of report. If benefits decrease as a result of the reported change, benefits are decreased for the first month that can be affected following the end of the 10-day timely notice period.
- f) For other redetermination rules, see Section 121.120.

(Source: Added at 28 Ill. Reg. 1104, effective December 31, 2003)

Section 121.145 Quarterly Reporting (Repealed)

- a) ~~Individuals who receive income from a sheltered workshop and individuals who receive public assistance benefits under the Aid to the Aged, Blind or Disabled program as either an aged, blind, or disabled case are excluded from quarterly reporting, unless another household member is required to report quarterly as defined in subsection (c) of this section.~~
- b) ~~Migrant households in the migrant job stream and households in which all members are homeless do not have to report quarterly.~~
- e) ~~Food stamp households are required to submit a completed written report form~~

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- ~~each quarter if a member has earned income (see Section 121.40(b)) or a member lost employment within the last three months.~~
- d) ~~The food stamp household's income for the calendar month the form is received shall be reported as well as assets, family composition and other factors pertinent to food stamp eligibility which have changed since the last report form and changes which are expected to occur in the next 3 months.~~
- e) ~~The household is required to provide verification of the following information each quarter:~~
- ~~1) gross earned income (for example, pay stubs); and~~
 - ~~2) gross unearned income, if a change is reported; and~~
 - ~~3) questionable information (information is considered questionable if information on the report form does not agree with statement of the recipient, other information on the report form or other information received by the local office).~~
- f) ~~Food stamp households which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.~~
- g) ~~Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.~~
- h) ~~TANF clients who experience a decrease in income below the amount anticipated may be eligible for supplemental food stamp benefits. A written request for supplemental TANF cash benefits is also considered a request for supplemental food stamp benefits. Eligibility for supplemental food stamp benefits may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the TANF payment level for an assistance unit of comparable size. If these conditions are met, the amount of food stamp benefits that the client is eligible to receive for the payment month is determined using the amount of income anticipated for the payment month. The amount of the supplemental food stamp benefit is the difference. Non-TANF clients who experience a decrease in income below the amount anticipated may request an increase in benefits at any time during the quarter. Those clients will have their food stamp benefits adjusted the next fiscal month.~~
- i) ~~Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.~~
- j) ~~The Department will determine if eligibility continues and process any adjustments to the food stamp benefit level once the completed quarterly report is received. The Department will notify the household of any changes in the benefit level and the reason or reasons for the change. The notification will be mailed to~~

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~~arrive no later than the day the food stamp benefits would be available, if the food stamp benefit level is being reduced or terminated as a result of information contained in the report.~~

- ~~k) Food stamp benefits may be terminated if the Department does not receive the quarterly report or receives only an incomplete report. The Department must send the household a notice of the action to arrive not later than the date the benefits would have been available if the Department had received a completed report on time. The Department will promptly notify the client of the right to a fair hearing and the right to have benefits reinstated if the household is found ineligible or eligible for an amount less than that of the prior month. Benefits will be reinstated to the level of the prior month, if a hearing is requested on or before the date of change or within 10 calendar days after the date of notice, whichever is later.~~
- ~~l) Eligibility for the entire three-month period will be determined, if a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility.~~
- ~~m) Eligibility for the month of receipt and the third month, if applicable, will be determined, if a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility. Eligibility for food stamp benefits for the first payment month of the three-month period shall not exist.~~
- ~~n) Persons who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.~~
- ~~o) At recertification, the household must complete a Request for Food Stamps. This Request for Food Stamps, along with the most recent quarterly report form, is the application for recertification.~~
- ~~p) In lieu of a quarterly report, General Assistance (GA) recipients in the City of Chicago, who are food stamp payees, must comply with a review of their food stamp eligibility which will occur in conjunction with any redetermination of General Assistance. (See 89 Ill. Adm. Code 114.420.) The review will cover those elements specified in subsection (d) of this Section. Verification of eligibility factors will be required as specified in subsection (e) of this Section. This review is in addition to regular recertification which will occur once every 12 months.~~

(Source: Repealed at 28 Ill. Reg. 1104, effective December 31, 2003)

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- 1) Heading of the Part: Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 508
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
508.10	Amendment
508.60	Amendment
508.110	Amendment
508.130	Amendment
508.140	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5-10(a)(i) and 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and 100/10-5], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].
- 5) Effective Date of Amendments: December 31, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 24, 2003 (27 Ill. Reg. 1078)
- 10) Has JCAR Issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made in the text of the proposed amendments.
- 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 these amendments replace any emergency amendments currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments change references from the Secretary to "decision-maker" to allow others, designated by the Secretary, to sign administrative hearing orders. This rulemaking also makes some minor, nonsubstantive changes to the rule.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICESPART 508
ADMINISTRATIVE HEARINGS

Section	
508.10	Authority – Applicability of This Part
508.20	Definitions
508.30	Appearance – Representation by Counsel
508.40	Emergency Action
508.50	Notice and Initiation of an Administrative Hearing
508.60	Motions
508.70	Filing
508.80	Service
508.90	Prehearing Conferences
508.100	Discovery
508.110	Hearings
508.120	Subpoenas
508.130	Administrative Law Judge's Report and Recommendations
508.140	Proposal for Decision
508.150	Final Orders
508.160	Records of Proceedings
508.170	Miscellaneous

AUTHORITY: Implementing and authorized by Sections 5-10(a)(i) and 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and 100/10-5], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].

SOURCE: Adopted by emergency rule at 23 Ill. Reg. 4468, effective April 2, 1999, for a maximum of 150 days; adopted at 23 Ill. Reg. 11157, effective August 24, 1999; amended at 28 Ill. Reg. 1122, effective December 31, 2003.

Section 508.10 Authority – Applicability of This Part

- a) This Part on practice and procedure for administrative hearings is promulgated pursuant to Section 5-10(a)(i) of the Illinois Administrative Procedure Act (IAPA)

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[5 ILCS 100/5-10(a)(i)]. This Part shall apply to all administrative hearings of the Department of Human Services governed by the Department's rules at 59 Ill. Adm. Code 50 (Office of ~~the~~ Inspector General Investigations of Alleged Abuse or Neglect ~~and Deaths~~ in State-Operated Facilities and Community Agencies ~~Agency Facilities~~), 59 Ill. Adm. Code 101.75 (Conduct of Hearings and Appeals for Bogard *et al.* v Bradley *et al.* Consent Decree Class Members), 59 Ill. Adm. Code 115 (Standards and Licensure Requirements for Community-Integrated Living Arrangements), 59 Ill. Adm. Code 117 (Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities), 59 Ill. Adm. Code 119 (Minimum Standards for Certification of Developmental Training Programs), ~~and 59 Ill. Adm. Code 258 (Standards and Requirements for Pre-admission Screening and Participating Mental Health Centers)~~, 77 Ill. Adm. Code 672 (WIC Vendor Management Code), 77 Ill. Adm. Code 2060 (Alcoholism and Substance Abuse Treatment and Intervention Licenses), 89 Ill. Adm. Code 511 (Grants and Grant Funds Recovery), 89 Ill. Adm. Code 527 (Recovery of Misspent Funds) and 89 Ill. Adm. Code 530 (Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs). All contested cases and licensing actions therein that are required by law to be preceded by a notice and opportunity to be heard shall be governed by this Part.

- b) Where a statute or rule prescribes certain alternative procedures or requirements for hearings, those procedures or requirements will be followed as though they were set forth in this Part. In the event there is a conflict between the statute or rule and this Part, the more specific rule or statute shall prevail.

(Source: Amended at 28 Ill. Reg. 1122, effective December 31, 2003)

Section 508.60 Motions

- a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in this Part or by a specific statute or rule, motions may seek any relief or order recognized in the Illinois Code of Civil Procedure [735 ILCS 5] and Rules of the Illinois Supreme Court and shall include a reference to the applicable Section of such Code or Rules. Motions based on a matter that does not appear of record shall be supported by affidavit.
- b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No

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motion shall be identically titled with any other motion. Examples of properly titled motions: RESPONDENT'S MOTION TO DISMISS, RESPONDENT'S SECOND MOTION TO DISMISS.

- c) Motions, objections and requests for continuances and all responses shall be in writing unless made at a prehearing conference or a hearing.
- d) Motions on the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions on the pleadings shall not be granted if the pleadings are not in conformity with this Section.
- e) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn ~~an a final~~ order or decision issued by the Secretary.
- f) Motions for a continuance shall be granted only for good cause shown. Good cause may include, but is not limited to, the death or illness of the grievant or a witness, inclement weather that severely limits travel in the area of the hearing, etc. With the exception of an emergency, motions for a continuance shall be in writing and filed at least 7 days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and shall contain statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed. After one continuance has been granted to a party additional continuances may be granted to that party only if:
 - 1) a hearing on the issue of whether or not to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance;
 - 2) there is an emergency; or
 - 3) all parties so stipulate.
- g) Whenever possible, as much of the hearing as possible shall be completed and only those matters that must be continued shall be continued.
- h) If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within 3 days by the filing of a written motion.

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- i) At any time prior to the issuance of the administrative law judge's recommended decision, the party may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Bias or conflict of interest may include, but is not limited to, the grievant or a witness being a family member of the administrative law judge, the existence of a financial relationship between the administrative law judge and a witness or the grievant, etc. Such motion shall be made in writing to the administrative law judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The administrative law judge's employment, or contract as an administrative law judge, by the Department is not, in and of itself, a conflict of interest. The appeal shall be suspended until the administrative law judge rules on the motion. The administrative law judge may decide to disqualify himself/herself if a determination of bias or conflict of interest exists or may decide that the appeal should be denied. If the motion is granted the Secretary shall appoint a new administrative law judge.

(Source: Amended at 28 Ill. Reg. 1122, effective December 31, 2003)

Section 508.110 Hearings

- a) Except for hearings under 59 Ill. Adm. Code 50, 115, 117, 119, and 120, all hearings conducted in any proceedings shall be open to the public subject to individual rights to confidentiality.
- b) Hearings will be conducted by the Secretary or by an administrative law judge appointed by the Secretary. If the Secretary conducts the hearing, any reference in this Part to the administrative law judge shall be read to refer to the Secretary, except for references that may limit the administrative law judge's power as opposed to the Secretary's. The final decision-maker for the hearing shall be designated by rule or statute governing the hearing. If there is no such designation in rule or statute, the Secretary shall designate the final decision-maker.
- c) The administrative law judge shall conduct hearings; administer oaths; issue subpoenas; hold informal conferences for the settlement, simplification, or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; and rule upon the admissibility of evidence.

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- d) The administrative law judge shall direct all parties to enter their appearances on the record.
- e) Written opening arguments and written closing arguments shall not be permitted unless all parties so stipulate or the administrative law judge so directs.
- f) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any administrative hearing by stipulation, agreed settlement, consent order, default, or motion.
- g) At any stage of the hearing or after all parties have completed the presentation of their evidence, the administrative law judge may call for further testimony, subject to cross-examination by the parties.
- h) *The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. However, evidence not admissible under those rules of evidence may be admitted (except where precluded by statute or rule) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Immaterial, irrelevant, or unduly repetitious material shall be excluded. A copy of the whole or any part of an admissible book, record, paper, or memorandum of the Department ~~that~~which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. Objections to evidentiary offers may be made and shall be noted in the record. Cross examination of each witness shall be allowed. [5 ILCS 100/10-40]*
- i) *Official notice may be taken of matters of which circuit courts of this State may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence. [5 ILCS 100/10-40]*
- j) Absent a showing of good cause, no document shall be offered into evidence that was not disclosed in accordance with the requirements in Section 508.100(a), and no witness shall testify whose name was not provided pursuant to Section

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508.100(d)(e). For purposes of this subsection, a showing of good cause shall mean that a party, through no fault of its own, did not have knowledge of a document to be offered into evidence or the name of a witness within the timeframe necessary for compliance with Section 508.100(a) and (b).

- k) The Department will arrange for audio or video taping or for a certified stenographic reporter (court reporter) to make a stenographic record of the hearing in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. There shall be no audio or video taping apart from any made by the certified stenographic reporter employed for those purposes by the Department without the express consent of the administrative law judge and all parties to the hearing.
- l) Corrections to the transcript of the hearing may be made by the Secretary or administrative law judge who heard the matter.
- m) If a party, or any person at the direction of or in collusion with a party, violates any ruling or order of the administrative law judge, the administrative law judge, on motion, may enter such orders as are just, including, among others, the following:
 - 1) that further proceedings be stayed until the order or rule is complied with;
 - 2) that the offending party be barred from filing any other pleadings relating to any issue to which the refusal or failure relates;
 - 3) that the offending party be barred from maintaining any particular claim or defense relating to that issue;
 - 4) that a witness be barred from testifying concerning that issue;
 - 5) that, as to claims or defenses asserted in any pleading to which that issue is material, an order of default be entered against the offending party or that the offending party's pleading be dismissed without prejudice; or
 - 6) that any portion of the offending party's pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to the issue.

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- n) At any time, the administrative law judge may order the removal of any person from the hearing room who is creating a disturbance or engaging in conduct that disrupts the hearing.
- o) At the request of any party, the administrative law judge may exclude all witnesses from the hearing room, except that each party or a representative of a party, in addition to legal counsel, shall be allowed to remain.
- p) When it is impractical for the parties, witnesses or administrative law judge to appear in the same site for a hearing, testimony may be taken by telephonic means, interactive video conferencing, or any other means, at the discretion of the administrative law judge. If a hearing is to be conducted by such means, the notice shall so inform the parties and include instructions for providing any necessary telephone numbers. The in-person presence of some parties or witnesses at the hearing shall not prevent the participation of other parties or witnesses. A party to such a hearing must submit to the administrative law judge at least 7 days before the date of the scheduled hearing any documents that are intended to be introduced at the hearing. Copies of the documents must also be provided to any other party prior to the date of the scheduled hearing. All documents submitted to the administrative law judge will be identified on the record.
- q) The applicable burden of proof shall be determined by the rule or statute governing regulation establishing the right to hearing. If the rule or statute governing regulation establishing the right to a hearing is silent concerning the burden of proof, *such burden shall be a preponderance of the evidence.* [5 ILCS 100/10-15]
- r) Failure of a party to appear at the administrative hearing at the time the hearing is scheduled will result in a dismissal of the contested case or recommendation of dismissal to the decision-maker if the decision-maker did not preside at the hearing.
- s) If a party fails to appear and the hearing is dismissed, that party may a request a rehearing of the contested case from the administrative law judge. Requests for reinstating the contested case must be filed no later than 10 days after the date of the notice of dismissal. Based on the statements in the request and the facts of the record, the administrative law judge shall:
- 1) Grant the request if the request meets the requirements of this subsection

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(s) and schedule a hearing with notice to all parties, including a copy of the request to any opposing parties; or

- 2) Deny the request, if the request fails to meet the requirements of this subsection (s), and issue a written decision setting forth the reasons for the denial. ~~In such cases, if an adverse decision on the merits was issued, a timely appeal to the denial of a timely request for a rehearing shall also constitute a timely appeal on the merits of the matter.~~

(Source: Amended at 28 Ill. Reg. 1122, effective December 31, 2003)

Section 508.130 Administrative Law Judge's Report and Recommendations

- a) At the conclusion of a hearing at which the ~~decision-maker Secretary~~ has not presided, the administrative law judge shall submit a decision, opinion, or report, make a written report of the hearing, with his or her findings of fact and conclusions of law and his or her recommendations, if any, to the ~~decision-maker Secretary~~. However, in a hearing under Section 45-25 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/45-25], the report shall only summarize the testimony presented at hearing and the administrative law judge's opinion about the reliability of the witnesses. The administrative law judge shall complete the decision, opinion, or report within 30 days after the close of the hearing.
- b) ~~The Secretary or appropriate DHS staff must receive a copy of the decision, and the petitioner's copy must be mailed by certified mail.~~ The decision, opinion, or report shall be accompanied by the audio or video recording or a transcript of the proceedings, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material that is deemed to be a part of the record.

(Source: Amended at 28 Ill. Reg. 1122, effective December 31, 2003)

Section 508.140 Proposal for Decision

- a) When the ~~decision-maker Secretary~~ *has not heard the administrative hearing or read the record and his or her final decision would be adverse to any party other than the Department, a proposal for decision shall be served upon all parties to the proceedings. The proposal for decision shall contain:*

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- 1) *A statement of the reasons for the proposed decision;*
 - 2) *A statement of each issue of fact or law necessary to the proposed decision.*
- b) *The proposed decision shall be prepared by the persons who conducted the hearing or one who has read the record.*
 - c) *Any party adversely affected by the proposed decision shall have 20 days from the receipt of the proposal for decision in which to file written exceptions and a brief. [5 ILCS 100/10-45] Failure to file written exceptions and a brief in the time provided for in the proposal for decision shall be deemed a waiver of the right to file exceptions and a brief. The Department shall have 10 days to respond to the exceptions or brief.*
 - d) *The proposal for decision shall be served on all parties personally or by certified mail.*
 - e) *The decision-maker Secretary in his or her discretion may provide for oral arguments on the proposal for decision. If oral arguments are allowed, they shall be scheduled as convenient to the decision-maker Secretary.*

(Source: Amended at 28 Ill. Reg. 1122, effective December 31, 2003)

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- 1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act
- 2) Code Citation: 86 Ill. Adm. Code 530
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
530.101	Amendment
530.110	Amendment
530.125	Amendment
- 4) Statutory Authority: 320 ILCS 25/3.15
- 5) Effective Date of Amendments: January 2, 2004
- 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) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 15758, October 10, 2003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive 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? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 530.101: Expands the list of diseases for which pharmaceutical assistance coverage will become available to include multiple sclerosis as a result of Public Act 93-528, beginning January 1, 2004.

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Section 530.110: Adds a new category of therapeutic drugs for the treatment of multiple sclerosis for which expanded pharmaceutical assistance coverage will become available as a result of Public Act 93-528, beginning January 1, 2004. Restates long-standing requirement to the effect that a covered prescription drug must be approved by the Food and Drug Administration for the treatment of a specific disease category. Renumbers remaining provisions.

Section 530.125: Strikes obsolete provisions for pharmacy contracts that were executed and in effect prior to July 1, 2002. Renumbers remaining provisions. Corrects punctuation. Updates terminology to correspond with language used in pharmacy contracts that were executed and in effect on or after July 1, 2002.

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

Karen A. Kloppe
Associate Counsel – Property Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 530
SENIOR CITIZENS AND DISABLED PERSONS PROPERTY TAX RELIEF AND
PHARMACEUTICAL ASSISTANCE ACT

SUBPART A: PHARMACEUTICAL ASSISTANCE PROGRAM

Section	
530.101	Purpose of the Pharmaceutical Assistance Program
530.105	Definitions
530.110	Covered Prescription Drugs
530.115	Eligibility Qualifications
530.116	Fees and Co-payments
530.117	Claim Filing Procedures
530.120	Cards
530.125	Determination of Cost of Covered Prescription Drugs
530.130	Authorized Pharmacy Qualifications
530.135	Assignment and Coordination of Benefits
530.140	Payments to Authorized Pharmacies
530.145	Execution of Contracts
530.150	Limitation on Prescription Size
530.155	Inspection and Disclosure of Records
530.160	Establishment of Liens
530.165	Penalties

SUBPART B: PROPERTY TAX RELIEF PROGRAM ("CIRCUIT BREAKER")

Section	
530.201	Purpose of the Property Tax Relief Program
530.205	Definitions
530.210	Claimant Eligibility Qualifications
530.215	Claim Filing Procedures
530.220	Property Tax Grant Determinations
530.225	Penalties

SUBPART C: ELECTRONIC FILING

Section

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530.301	Electronic Filing Program Via Internet
530.305	Eligible Electronic Documents
530.310	Internet Filer Eligibility Qualifications
530.315	Electronic Applications
530.320	Electronic Signature Code
530.325	Transmission of Electronic Applications
530.330	Transmission Confirmations

AUTHORITY: Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25] and authorized by Section 2505-200 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-200].

SOURCE: Adopted at 11 Ill. Reg. 20978, effective December 15, 1987; amended at 13 Ill. Reg. 1589, effective January 18, 1989; amended at 17 Ill. Reg. 11566, effective July 8, 1993; amended at 22 Ill. Reg. 19929, effective October 28, 1998; amended at 24 Ill. Reg. 17562, effective November 16, 2000; emergency amendment at 25 Ill. Reg. 8449, effective July 1, 2001, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 25 Ill. Reg. 12913; emergency expired November 27, 2001; amended at 25 Ill. Reg. 16508, effective December 18, 2001; amended at 26 Ill. Reg. 8437, effective May 24, 2002; emergency amendment at 26 Ill. Reg. 11126, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16981, effective November 7, 2002; amended at 27 Ill. Reg. 2699, effective January 31, 2003; amended at 28 Ill. Reg. 1133, effective January 2, 2004.

SUBPART A: PHARMACEUTICAL ASSISTANCE PROGRAM

Section 530.101 Purpose of the Pharmaceutical Assistance Program

The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Act) [320 ILCS 25] provides for the establishment of a program of pharmaceutical assistance to be administered by the Illinois Department of Revenue. The purpose for this program is to enable low-income senior citizens and disabled persons to afford medication for the treatment of heart disease and its related conditions, diabetes, arthritis; and, beginning January 1, 2001, cancer, Alzheimer's disease, Parkinson's disease, glaucoma, lung disease and smoking related illnesses; and, beginning July 1, 2001, osteoporosis; and, beginning January 1, 2004, multiple sclerosis.

(Source: Amended at 28 Ill. Reg. 1133, effective January 2, 2004)

Section 530.110 Covered Prescription Drugs

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- a) Drugs, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60], physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987 [225 ILCS 95], or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act [225 ILCS 65/Title 15] for treatment of heart disease and its related conditions, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Antihypertensive
 - 2) Antianginal
 - 3) Antiarrhythmic
 - 4) Antihyperlipidemic
 - 5) Beta Blocker
 - 6) Digitalis Glycosides
 - 7) Hypertension/Shock
 - 8) Diuretics
 - 9) Potassium
 - 10) Anticoagulants
- b) Drugs purchased on or after January 1, 1987, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of diabetes, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Insulin
 - 2) Insulin, Syringes & Needles

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- 3) Oral Hypoglycemics
 - 4) Pituitary Hormones
 - 5) Glucose Elevators
- c) Drugs purchased on or after January 1, 1987, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of arthritis, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Hormones/Adrenal Cortical Steroids
 - 2) Analgesics/Antirheumatic
 - 3) Analgesics/Nonopiate Agonists
 - 4) Antiprotozoals
 - 5) Penicillamine
 - 6) Analgesics/Narcotic Antagonists: Gout
 - 7) Oncolytic/Antineoplastic: Antimetabolites
 - 8) Immunosuppressives
- d) Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of cancer, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Alkylating Agents

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- 2) Antimetabolites
 - 3) Antimitotic Agents
 - 4) Epipodophyllotoxins
 - 5) Antibiotics
 - 6) Hormones
 - 7) Enzymes
 - 8) Platinum Coordination Complex
 - 9) Anthracenedione
 - 10) Substituted Ureas
 - 11) Methylhydrazine Derivatives
 - 12) Cytoprotective Agents
 - 13) DNA Topoisomerase Inhibitors
 - 14) Biological Response Modifiers
 - 15) Retinoids
 - 16) Monoclonal Antibodies
 - 17) Miscellaneous Antineoplastics
 - 18) Narcotic Agonist Analgesics
 - 19) Narcotic Analgesic Combinations
 - 20) Anticonvulsants
- e) Drugs purchased on or after January 1, 2001, which fall within the following

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categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of Alzheimer's disease, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:

- 1) Cholinesterase Inhibitors
 - 2) Antipsychotics
- f) Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of Parkinson's disease, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Anticholinergics
 - 2) Amantadine
 - 3) Bromocriptine Mesylate
 - 4) Carbidopa
 - 5) Levodopa
 - 6) Levodopa and Carbidopa
 - 7) Pergolide Mesylate
 - 8) Selegiline Hydrochloride
 - 9) Entacapone
 - 10) Tolcapone
 - 11) Dopaminergics

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- 12) Clonazepam
- g) Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, therapeutically certified optometrist licensed pursuant to the Illinois Optometric Practice Act of 1987 [225 ILCS 80/15.1], physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of glaucoma, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Alpha-2 Adrenergic Agonists
 - 2) Sympathomimetics
 - 3) Alpha-Adrenergic Blocking Agents
 - 4) Beta-Adrenergic Blocking Agents
 - 5) Miotics, Direct Acting
 - 6) Miotics, Cholinesterase Inhibitors
 - 7) Carbonic Anhydrase Inhibitors
 - 8) Prostaglandin Agonists
 - 9) Miscellaneous Combinations
- h) Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of lung disease and smoking related illnesses, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:

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- 1) Sympathomimetic Bronchodilators
 - 2) Diluents
 - 3) Xanthine Derivatives
 - 4) Anticholinergic Bronchodilators
 - 5) Leukotriene Receptor Antagonists
 - 6) Leukotriene Formation Inhibitors
 - 7) Corticosteroid Respiratory Inhalants
 - 8) Mucolytics
 - 9) Mast Cell Stabilizers
 - 10) Respiratory Enzymes
 - 11) Digestive Enzymes
 - 12) Antiasthmatic Combinations
 - 13) Antituberculosal Agents
 - 14) Zyban
 - 15) Nicotine
- i) Drugs purchased on or after July 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of osteoporosis, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Bisphosphonates

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- 2) Selective Estrogen Receptor Modulators
- 3) Calcitonin-Salmon
- j) Drugs purchased on or after January 1, 2004 that fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of multiple sclerosis, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:
 - 1) Corticosteroids
 - 2) Immunomodulatory Agents (including Interferon Beta – 1a and Interferon Beta – 1b)
 - 3) Immunosuppressants
 - 4) Antineoplastics
- k) A covered prescription drug must be approved by the Food and Drug Administration of the federal Department of Health and Human Services for the treatment of a specific disease category.
- l) The specific covered prescription drugs which fall within each category will be listed in a handbook to be prepared and disseminated on the internet Web site of the Department. Updates regarding changes in the categories and specific covered prescription drugs will be made as necessary.

(Source: Amended at 28 Ill. Reg. 1133, effective January 2, 2004)

Section 530.125 Determination of Cost of Covered Prescription Drugs

- a) The Department will pay an authorized pharmacy the reasonable cost of pharmaceutical services that such pharmacy provided to a beneficiary pursuant to a physician's oral or written prescription authorization.
- b) Determination of Reasonable Cost. ~~1)For contracts executed and in effect prior to July 1, 2002, the Department will determine the reasonable cost of covered~~

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~~prescription drugs for which payment will be made to an authorized pharmacy in an amount equal to: A) the lesser of: i) the Average Wholesale Price (AWP) for the covered prescription drug minus 10%, based on the National Drug Code (NDC) number for the original package size from which such drug was dispensed (AWP is determined by the most recent monthly publication Price Alert, First DataBank, 1111 Bayhill Dr., San Bruno CA 94066, the electronic successor to the Blue Book); or ii) the Maximum Acquisition Cost (MAC) for the covered prescription drug based on MAC list for this program (MAC is determined by the Department's claims processing vendor); plus B) the professional dispensing fee; less C) any applicable co-payments, deductibles, and ancillary charges. [320 ILCS 25/3.16] 2) For contracts executed and in effect on or after July 1, 2002, as subject to periodic review, the Department will determine the rate for the reasonable cost of covered prescription drugs for which payment will be made to an authorized pharmacy in an amount equal to:~~

~~1A)~~ the lesser of:

~~Ai)~~ the Average Wholesale Price (AWP) for the covered prescription drug minus 14%, based on the National Drug Code (NDC) number for the original package size from which such drug was dispensed (AWP is determined by the most current information provided by drug pricing services such as First DataBank or other source nationally recognized in the retail prescription drug industry selected by the Department's claims processing vendor); or

~~Bii)~~ the Maximum Allowable Cost (MAC) for the covered prescription drug, based on the MAC list for this program (MAC is determined by the Department's claims processing vendor); or

~~Ciii)~~ the usual and customary cost for the covered prescription drug; plus

~~2B)~~ the professional dispensing fee; less

~~3C)~~ any applicable co-payments, deductibles, and ancillary charges.

c) Professional Dispensing Fee. ~~1) For contracts executed and in effect prior to July 1, 2002, on an annual basis, the Department shall conduct a survey to determine the professional dispensing fee to be charged by authorized pharmacies. A) The survey will consist of a broad rate analysis of other similar private and~~

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~~governmental pharmaceutical assistance programs, including organizations within and outside Illinois. The survey will be conducted as follows: i) The Department will contact those other states that have pharmaceutical assistance programs similar to this program and obtain information concerning current dispensing fees as well as information on any plans to modify the fees within the next 12 months. ii) The Department will contact private sector businesses with similar programs and obtain fee information from those businesses. iii) The Department will contact the Illinois Department of Public Aid and the public aid departments of the surrounding states to obtain fee rates under the various Medicaid programs. B) The results of the broad rate analysis will then be evaluated by the Department to determine an appropriate professional dispensing fee for which an authorized pharmacy will be paid. The professional dispensing fee so determined will be used in subsection (b) of this Section to determine reasonable cost. C) The professional dispensing fee shall be adjusted as of July 1 of each year in accordance with the results of the survey prescribed in this subsection (c).~~ 2) For contracts executed and in effect on or after July 1, 2002, as subject to periodic review, the Department shall determine the professional dispensing fee to be charged by authorized pharmacies. The professional dispensing fee shall be in the amount of \$2.55 per prescription.

d) Payment.

- 1) Payment to authorized pharmacies will be allowed for covered prescription drugs legally marketed in accordance with the rules and regulations of the Food and Drug Administration of the federal Department of Health and Human Services.
- 2) Payment will be at the generic price as provided in subsection (b) unless the following conditions exist:
 - A) an oral prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product for which no generic equivalent is available; or
 - B) a written prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product for which no generic equivalent is available; or
 - C) beginning January 1, 2001, an oral prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name

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product containing one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33 and the prescriber stipulates "brand medically necessary" and that substitution is not permitted; or

- D) beginning January 1, 2001, a written prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product containing one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33 and indicates on its face "brand medically necessary" and that substitution is not permitted.
- e) Pharmacy's Cost of On-line Communications. Each authorized pharmacy participating in this program shall pay all costs, charges and fees incurred by the pharmacy that are related to on-line communication and the processing of claims or other information sent to or from the Department or the Department's claims processing vendor.
- f) The reasonable cost of covered prescription drugs available to beneficiaries in this program shall not exceed the cost of such drugs when dispensed to the general public.
- g) In the event that generic equivalents for covered prescription drugs are available at lower cost, the Department shall establish the maximum allowable acquisition cost for such covered prescription drugs at the lower generic cost as provided in subsection (b).

(Source: Amended at 28 Ill. Reg. 1133, effective January 2, 2004)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 5350
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
5350.20	Amendment
5350.200	Amendment
- 4) Statutory Authority: The Illinois Administrative Act [5 ILCS 100/5-15] and the State Universities Civil Service Act [110 ILCS 70/36d(11)]
- 5) Effective Date of Rulemaking: January 6, 2004
- 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: This rulemaking is being adopted in accordance with Section 5-15 of the Illinois Administrative Procedure Act for required rulemaking. Therefore, no prior publication is needed.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: There was no proposed version of this rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreements issued for this rulemaking.
- 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: When the State Universities Civil Service System adopted amendments to these 2 Sections on November 21, 2003, an inadvertent spacing error was created in Section 5350.20(a)(3). In Section 5350.200(b), the number of

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NOTICE OF ADOPTED AMENDMENTS

members of the University Civil Service Merit Board should have been changed from 6 to 11, but when the adopted amendments were published, the change was inadvertently omitted. This rulemaking corrects both errors.

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

Mary C. Follmer
Assistant Legal Counsel
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana IL 61802
217/278-3150

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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER XV: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 5350
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section	
5350.10	Applicability
5350.20	Public Information
5350.30	Board Meetings

SUBPART B: RULEMAKING

Section	
5350.100	Rulemaking Procedure

SUBPART C: ORGANIZATION

Section	
5350.200	Board Membership
5350.210	Staff

5350.APPENDIX A Organization Chart

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 36d of the State Universities Civil Service Act [110 ILCS 70/36d].

SOURCE: Adopted and codified at 8 Ill. Reg. 3344, effective March 1, 1984; old rules rescinded by operation of Law October 1, 1984; amended at 27 Ill. Reg. 18399, effective November 21, 2003; amended at 28 Ill. Reg. 1147, effective January 6, 2004.

SUBPART A: PUBLIC INFORMATION

Section 5350.20 Public Information

- a) Members of the public may submit a request for information concerning the rules,

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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subjects, programs, or activities of the State Universities Civil Service System. Such requests must be in writing and must contain the following information:

- 1) the names and addresses of persons or groups submitting request;
 - 2) the specific rule, subject, program, or activity of the State Universities Civil Service System that is the subject matter of the request; and
 - 3) the specific reasons, facts, or other documentation supporting the request.
- b) Requests may be addressed to:

Executive Director
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana, Illinois 61802-6099.

(Source: Amended at 28 Ill. Reg. 1147, effective January 6, 2004)

SUBPART C: ORGANIZATION

Section 5350.200 Board Membership

- a) The University Civil Service Merit Board was created pursuant to Section 36b of the State Universities Civil Service Act (Act) [10 ILCS 70/36b].
- b) The University Civil Service Merit Board shall be composed of ~~11~~^{six} members, three of whom shall be members of the Board of Trustees of the University of Illinois, one shall be a member of the Board of Trustees of Southern Illinois University, one shall be a member of the Board of Trustees of Chicago State University, one shall be a member of the Board of Trustees of Eastern Illinois University, one shall be a member of the Board of Trustees of Illinois State University, one shall be a member of the Board of Trustees of Governors State University, one shall be a member of the Board of Trustees of Northeastern Illinois University, one shall be a member of the Board of Trustees of Northern Illinois University, and one shall be a member of the Board of Trustees of Western Illinois University. The members of the Merit Board shall be elected by the respective Boards on which they shall serve at the pleasure of the electing Boards.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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(Source: Amended at 28 Ill. Reg. 1147, effective January 6, 2004)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3) Section Number: 390.2000 Adopted Action: Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) Effective Date of Amendment: January 4, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's Office of Chief Counsel and Division of Traffic Safety and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: September 26, 2003, 27 Ill. Reg. 15077
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Minor grammatical changes were made at JCAR's request.
- 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 amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Section 18b-105(e) of the Illinois Vehicle Code [625 ILCS 5/18b-105(e)] requires the Department's regulations to be identical in substance to the Federal Motor Carrier Safety Regulations (FMCSR), unless waived by 49 CFR 350.341. Therefore, by this Notice, and in compliance with Illinois law, the Department has amended Part 390 for consistency with a federal rulemaking recently adopted by the Federal Motor Carrier Safety Administration. Specifically, at Section

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390.2000(a), the Department has incorporated by reference the federal rulemaking adopted at 68 FR 22456, April 28, 2003. The federal rulemaking updated references to the hours of service requirements at 49 CFR 390.23 (Relief from regulations), that is incorporated by reference at Section 390.2000(a), to correspond to the new requirements of 49 CFR 395.

The Department's rulemaking has incorporated by reference changes made in the following Docket:

Docket FMCSA-97-2350 (68 FR 22456, April 28, 2003) Amends the Federal Motor Carrier Safety Regulations by revising the hours of service regulations to require motor carriers to provide drivers with better opportunities to obtain sleep.

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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 390
MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section	
390.1000	Purpose
390.1010	General Applicability
390.1020	Definitions
390.1030	Rules of Construction

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section	
390.2000	Incorporation by Reference

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. 5105, effective March 31, 1999; amended at 24 Ill. Reg. 1954, effective January 19, 2000; amended at 25 Ill. Reg. 2100, effective January 17, 2001; amended at 26 Ill. Reg. 8978, effective June 5, 2002; amended at 26 Ill. Reg. 12749, effective August 12, 2002; amended at 27 Ill. Reg. 9218, effective June 2, 2003; amended at 28 Ill. Reg. 1152, effective January 4, 2004.

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section 390.2000 Incorporation by Reference

- a) 49 CFR 390, subpart B is hereby incorporated by reference as that subpart of the Federal Motor Carrier Safety Regulations (FMCSR) that was in effect on October 1, 2002, as amended at 67 FR 61818, October 2, 2002, ~~and~~ as amended at 67 FR

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63019, October 9, 2002, [and as amended at 68 FR 22456, April 28, 2003](#) subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, subpart B are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 390, subpart B shall apply for the purposes of this Subpart:

- 1) 49 CFR 390.9 is deleted and not incorporated.
- 2) 49 CFR 390.15 is not incorporated and the following is substituted therefor:

A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration or Illinois Department of Transportation upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor carrier shall give an authorized representative of the Federal Motor Carrier Safety Administration or Illinois Department of Transportation all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry.

- 3) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.
- 4) 49 CFR 390.23(a)(2)(i)(A) is not incorporated and the following substituted therefor:

An emergency has been declared by a Federal, State, or local government official having authority to declare an emergency, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee.

- 5) 49 CFR 390.25 applies only to commercial motor vehicles engaged in interstate commerce.
- 6) 49 CFR 390.29(b) is not incorporated and the following is substituted therefor:

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All records and documents required by this Subchapter d that are maintained at a regional office or driver work-reporting location shall be made available for inspection upon request by a special agent or authorized representative of the Federal Highway Administration or Illinois Department of Transportation at the motor carrier's principal place of business or other location specified by the agent or representative within 48 hours after a request is made. Saturdays, Sundays, and Federal and State holidays are excluded from the computation of the 48-hour period of time.

- 7) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.
- 8) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.
- 9) Any reference to a section in the incorporated material shall be read to refer to that Section in the IMCSR.
- 10) Any reference to "Part 325 of Subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards:" (49 CFR 325, October 1, 2002).

(Source: Amended at 28 Ill. Reg. 1152, effective January 4, 2004)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Parts and Accessories Necessary for Safe Operation
- 2) Code Citation: 92 Ill. Adm. Code 393
- 3) Section Number: 393.2000 Adopted Action:
Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendment: January 4, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Agency's Office of Chief Counsel and Division of Traffic Safety and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: September 26, 2003, 27 Ill. Reg. 15083
- 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 changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Section 18b-105(e) of the Illinois Vehicle Code [625 ILCS 5/18b-105(e)] requires the Department's regulations to be identical in substance to the Federal Motor Carrier Safety Regulations (FMCSR), unless waived by 49 CFR 350.341. Therefore, by this Notice, and in compliance with Illinois law, the Department has amended Part 393 for consistency with a federal rulemaking recently adopted by the Federal Motor Carrier Safety Administration. Specifically, at Section

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393.2000(a), the Department has incorporated by reference the federal rulemaking adopted at 67 FR 63966, October 16, 2002.

The Department's rulemaking has incorporated by reference changes made in the following Docket:

Docket FMCSA-97-2289 (67 FR 63966, October 16, 2002) Corrects the final rule of September 27, 2002 regarding protection against shifting or falling cargo.

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

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 393
PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Section

393.1000 General
393.2000 Incorporation by Reference of 49 CFR 393

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15537, effective September 10, 1990; amended at 15 Ill. Reg. 13185, effective August 21, 1991; amended at 18 Ill. Reg. 774, effective January 11, 1994; amended at 19 Ill. Reg. 13070, effective August 30, 1995; amended at 20 Ill. Reg. 15362, effective November 18, 1996; amended at 23 Ill. Reg. 5124, effective March 31, 1999; amended at 24 Ill. Reg. 1974, effective January 19, 2000; amended at 25 Ill. Reg. 2117, effective January 17, 2001; amended at 26 Ill. Reg. 9005, effective June 5, 2002; amended at 27 Ill. Reg. 9247, effective June 2, 2003; amended at 28 Ill. Reg. 1157, effective January 4, 2004.

Section 393.2000 Incorporation by Reference of 49 CFR 393

- a) "Parts and Accessories Necessary for Safe Operation" (49 CFR 393) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 2002, as amended at 67 FR 61818, October 2, 2002, and as amended at 67 FR 63966, October 16, 2002 subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 393 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to, and deletions from 49 CFR 393 shall apply for purposes of this Part.
 - 1) 49 CFR 393.93 shall not apply to those commercial motor vehicles engaged in intrastate commerce which were manufactured before June 30,

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1972 (Section 18b-105(c)(1) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(c)(1)]).

- 2) 49 CFR 393.86 *shall not apply for those vehicles registered as farm trucks under Section 3-815(c) of the Illinois Vehicle Code (the Code) [625 ILCS 5/3-815(c)] and utilized in intrastate commerce* (Section 18b-105(c)(2) of the Law).
- 3) Authorized Illinois State Police shall place vehicles out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the vehicle out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 28 Ill. Reg. 1157, effective January 4, 2004)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill Adm. Code 395
- 3) Section Number: 395.2000 Adopted Action:
Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendment: January 4, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's Office of Chief Counsel and Division of Traffic Safety and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: September 26, 2003, 27 Ill. Reg. 15088
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: As a first notice change, DOT incorporated the most recent version of the federal rulemaking at the request of the Illinois State Police.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Section 18b-105(e) of the Illinois Vehicle Code [625 ILCS 5/18b-105(e)] requires the Department's regulations to be identical in substance to the Federal Motor Carrier Safety Regulations (FMCSR), unless waived by 49 CFR 350.341. Therefore, by this Notice, and in compliance with Illinois law, the Department has amended Part 395 for consistency with a federal rulemaking recently

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adopted by the Federal Motor Carrier Safety Administration. Specifically, at Section 395.2000(a), the Department has incorporated by reference the federal rulemaking adopted at 68 FR 22456, April 28, 2003.

The Department's rulemaking has incorporated by reference changes made in the following Dockets:

Docket FMCSA-97-2350 (68 FR 22456, April 28, 2003) Amends the Federal Motor Carrier Safety Regulations by revising the hours of service regulations to require motor carriers to provide drivers with better opportunities to obtain sleep.

Docket FMCSA-97-2350 (68 FR 56208, September 30, 2003) Makes technical, nonsubstantive amendments to the final rule of April 28, 2003 [68 FR 22456] regarding hours of service of drivers. (Newly added per request of the Illinois State Police.)

Additionally, at Sections 395.2000(c)(3)(C)(i) and (D)(ii), the Department has updated provisions to correspond to the new hours of service requirements adopted at 68 FR 22456, April 28, 2003.

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

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 395
HOURS OF SERVICE OF DRIVERS

Section

395.1000	General
395.2000	Incorporation by Reference of 49 CFR 395

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 2092, effective January 17, 2001; amended at 26 Ill. Reg. 9009, effective June 5, 2002; amended at 26 Ill. Reg. 12766, effective August 12, 2002; amended at 27 Ill. Reg. 9251, effective June 2, 2003; amended at 28 Ill. Reg. 1161, effective January 4, 2004.

Section 395.2000 Incorporation by Reference of 49 CFR 395

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 2002, as amended at 68 FR 22456, April 28, 2003 and as amended at 68 FR 56208, September 30, 2003 subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 395 shall apply for purposes of this Part.
 - 1) 49 CFR 395.1(h) and 395.1(i) are deleted and not incorporated.

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- 2) 49 CFR 395.1(e) as it applies to intrastate carriers is amended to establish that *drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.* (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])
- 3) 49 CFR 395.13 is not incorporated and the following substituted therefor:
 - A) Authority to declare drivers out-of-service due to any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police officer certified to conduct Commercial Vehicle Inspections, Levels 1, 2, 3, 4 or 5 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out-of-service as set forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that declaring the driver out-of-service is warranted. Notification to the motor carrier is accomplished when the Illinois State Police officer presents the Illinois Commercial Driver/Vehicle Inspection Report (Form ISP 5-238) to the driver.
 - B) Out-of-Service Criteria
 - i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
 - ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.
 - iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status up to that time (previous 6 days), will be given the opportunity to make the duty status record current.
 - C) Responsibilities of motor carriers

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- i) No motor carrier shall:

Require or permit a driver who has been declared out-of-service to operate a commercial motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395.

Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a commercial motor vehicle until that driver has been off duty for the appropriate number of consecutive hours required by 49 CFR 395, as amended at 68 FR 22456, April 28, 2003, eight consecutive hours and is in compliance with this Section. The appropriate consecutive hours ~~eight hour~~ off duty period may include sleeper berth time.

- ii) A motor carrier shall, if required (refer to 92 Ill. Adm. Code 396.2010 for requirement), complete the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver/Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.

D) Responsibilities of the Driver:

- i) No driver who has been declared out-of-service shall operate a commercial motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.
- ii) No driver who has been declared out-of-service, for failing to prepare a record of duty status, shall operate a commercial motor vehicle until the driver has been off duty for the appropriate number of consecutive hours required by 49 CFR 395, as amended at 68 FR 22456, April 28, 2003, eight consecutive hours and is in compliance with this Section.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.
 - iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of commercial motor vehicles.
- 4) Part 395 *shall not apply to agricultural movements* that are engaged in intrastate commerce during planting and harvesting season as defined in 92 Ill. Adm. Code 390.1020. (Section 18b-105(c)(6) of the Law)
 - 5) Part 395 *shall not apply to all farm to market agricultural transportation* as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)
 - 6) Part 395 *shall not apply to any grain hauling operations* that are engaged in intrastate commerce *within a radius of 200 air miles of the normal work reporting location.* (Section 18b-105(c)(6) of the Law)
- d) *A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again.* (Section 18b-106.1 of the Law)

Agency Note: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions, for provisions relating to possible exemptions from the IMCSR for applicable intrastate public utility commercial motor vehicles.

(Source: Amended at 28 Ill. Reg. 1161, effective January 4, 2004)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Background Checks
- 2) Code Citation: 89 Ill. Adm. Code 385
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
385.60	Amended
APPENDIX A	Amended
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10]
- 5) Effective Date of Amendments: January 1, 2004
- 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: December 31, 2003
- 8) A copy of the emergency amendments, 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: The emergency amendments implement Public Act 93-151, which amends Section 4.2 of the Child Care Act by expanding the list of offenses that bar licensure to operate a child care facility or be employed by or be an adult residing in a child care facility. The Act provides exceptions applicable to child care facilities other than foster family homes. These provisions become effective on January 1, 2004.
- 10) A Complete Description of the Subjects and Issues Involved: Appendix A was amended to include additional provisions added in the Child Care Act barring operation or receipt of a license from the Department to operate a child care facility or be employed by or be an adult residing in a home based child care facility licensed by the Department. Appendix A also provides exceptions applicable to child care facilities other than foster family homes.
- 11) Are there any other amendments pending to this Part? No
- 12) Statement of Statewide Policy Objective: This amendment does not create or expand a State mandate.
- 13) Information and questions regarding these amendments shall be directed to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Jeff E. Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: cfpolicy@idcfs.state.il.us

The full text of the emergency amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER d: LICENSING ADMINISTRATION

PART 385

BACKGROUND CHECKS

Section

385.10	Purpose
385.20	Definitions
385.30	Applicability of This Part
385.40	Authorization for Background Checks
385.50	Child Abuse or Child Neglect
385.60	Criminal Convictions and Pending Criminal Charges
<u>EMERGENCY</u>	
385.70	Disposition of Background Checks
385.80	Appeal of Decisions to Deny License or Permit Based on Background Check Information
385.90	Records to be Maintained by the Child Care Facility
385.100	Confidentiality of Background Check Information
385.110	Severability of This Part
<u>385.APPENDIX A</u>	Criminal Convictions Preventing Licensure, Employment, or Residence in a Family Home in Which a Child Care Facility Operates
<u>EMERGENCY</u>	
385.APPENDIX B	Matrix of Persons Subject to Background Checks Under Part 385

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10]; Section 5(a)(3)(A) and (F) and (v) of the Children and Family Services Act [20 ILCS 505/5(a)(3)(A) and (F) and (v)]; and Section 55a(34) of the Civil Administrative Code [20 ILCS 2605/55a(34)].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 19123, effective October 29, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 6398, effective March 31, 1987; amended at 13 Ill. Reg. 5917, effective May 1, 1989; emergency amendment at 20 Ill. Reg. 3930, effective March 1, 1996, for a maximum of 150 days; modified in response to Joint Committee on Administrative Rules objection at 20 Ill. Reg. 5712; emergency expired July 28, 1996; amended at 21 Ill. Reg. 4444, effective April 1, 1997; emergency amendment at 28 Ill. Reg. 1167, effective January 1, 2004, for a maximum of 150 days.

Section 385.60 Criminal Convictions and Pending Criminal Charges**EMERGENCY**

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- a) Convictions Which Serve as Bar to Licensure/Employment that Allows Access to Children
- Persons ~~who have been convicted of~~with certain serious ~~crimes~~ ~~criminal convictions~~ shall not receive a license to operate a child care facility or, if such a person has been licensed to operate a child care facility, the licensing entity shall revoke or refuse to renew such license upon learning that the licensee has been convicted of committing or attempting to commit any of the offenses identified below. In addition, no person who has been convicted of committing or attempting to commit any of the offenses listed below shall either be employed in a licensed child care facility in a position that allows access to children or reside in a family home in which a child care facility operates. This includes persons who have been:
- 1) declared a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 205] or identified as a child sex offender in the ~~Illinois Sex Offender Registry~~ ~~Statewide Child Sex Offender Registry~~ operated by the Illinois State Police; or
 - 2) convicted of committing or attempting to commit any of the offenses specified in Appendix A of this Part which are defined by the Criminal Code of 1961 [720 ILCS 5] or any earlier Illinois criminal law or code ~~or~~ ~~Section 4.2 of the Child Care Act of 1969 [225 ILCS 10/4.2]~~; or
 - 3) convicted of committing or attempting to commit an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified in Appendix A of this Part.
- b) Special Provisions for Foster Family Homes
- In addition to the provisions set forth in subsection (a) above, no applicant may be licensed by the Department to operate a foster family home, and no person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the offenses listed in ~~Section 4.2 of the Child Care Act of 1969 [225 ILCS 10/4.2]~~~~402-Appendix A, Criminal Convictions Which Prevent Licensure of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes,~~ or who is included in the ~~Illinois Sex Offender Registry~~ ~~Statewide Child Sex Offender Registry~~ (unless the offender is a ward of the State of Illinois placed in the foster home by the Department or its contractual agent).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- c) **Special Provisions for Service Providers**
As a condition of a contract or agreement, or as otherwise required under 89 Ill. Adm. Code 357, Purchase of Service, the Department may require a person who provides services that allow unsupervised access to children to authorize a background check under this Part.
- d) **Assessment of Criminal Convictions**
Except as specified in subsections (a) and (b) of this Section, an individual convicted of a crime will not automatically be prohibited from licensure, renewal of a license, or employment in a child care facility, from residing in a family home in which a child care facility operates, or from obtaining a contract with the Department to provide services which allow access to children as part of their duties. Instead, the following shall be considered:
- 1) the nature of the crime for which the individual was convicted;
 - 2) the circumstances surrounding the commission of the crime, including the age of the individual, that would demonstrate a low likelihood of repetition;
 - 3) the period of time that has elapsed since the crime was committed;
 - 4) the number of crimes for which the individual was convicted;
 - 5) evidence of rehabilitation such as successful participation in therapy since conviction;
 - 6) commutation of the sentence by the Governor or granting of a pardon;
 - 7) overturn of the conviction upon appeal;
 - 8) character references; and
 - 9) the relationship of the crime to the capacity to care for ~~children~~ ~~child(ren)~~ or to have access to ~~children~~ ~~child(ren)~~ cared for in a child care facility.
- e) **Assessment of Pending Criminal Charges**
An individual against whom criminal charges are pending shall not be automatically prohibited from licensure, renewal of a license, or employment in a child care facility, residing in a family home in which a child care facility

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operates, or obtaining a contract with the Department to provide services which allow access to children (as limited by 89 Ill. Adm. Code 357, Purchase of Service) because of the pending criminal charges. In those instances, the following shall be considered:

- 1) the seriousness and nature of the charges which are pending including a determination of whether the charges are among those listed in Appendix A of this Part that serve as a bar to licensure or employment in a position that allows access to children;
 - 2) the circumstances surrounding the incident that led to the criminal charge;
 - 3) the relationship of the charges to the ability to care for ~~children~~ ~~child(ren)~~ or to have access to ~~children~~ ~~child(ren)~~ in a child care facility;
 - 4) whether the individual has ever been convicted of or charged with crimes of a similar nature; and
 - 5) character references and other information submitted by or on behalf of the appellant or any other person, especially about the suitability of the individual to care for ~~children~~ ~~child(ren)~~.
- f) Notification of Hiring Decision
Child care facilities shall notify the Department in writing of their decision regarding the employment of a person with a criminal history. Such notice shall be postmarked within 30 days after receipt of the information from the Department about the individual's criminal history. If the facility chooses to retain the employee, it must notify the Department of this decision and specify in the notice the operating hours of the facility, the duties of the employee, and the hours the employee will be working. The decision of the employer is final, subject to review under the personnel policies of its governing body. Such hiring decisions may not be appealed to the Department of Children and Family Services.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 1167, effective January 1, 2004, for a maximum of 150 days)

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Section 385.APPENDIX A Criminal Convictions Preventing Licensure, Employment, or Residence in a Family Home in Which a Child Care Facility Operates**EMERGENCY**

- a) If any person subject to background checks has been included in the **Illinois Statewide** Child Sex Offender Registry or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified below, this conviction will serve as a bar to: receiving a license or permit to operate as a child care facility and renewal of an existing license to operate a child care facility; residing in a family home in which a child care facility operates; obtaining employment or continuing in employment in a licensed child care facility which allows access to children as part of the duties; and obtaining a contract or agreement providing services on behalf of the Department that allows unsupervised access to children.

In addition to the list of crimes in this Appendix A, no applicant may receive a license from the Department to operate a foster family home, and no adult person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the offenses listed in Appendix A, Criminal Convictions Which Prevent Licensure, of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, which is a more inclusive list of crimes.

The offenses which serve as a bar to licensure, residence in a family home in which a child care facility operates, employment which allows access to children in any child care facility subject to licensing, or providing services that allow unsupervised access to children include:

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

Murder
Solicitation of murder
Solicitation of murder for hire
Intentional homicide of an unborn child

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Voluntary manslaughter of an unborn child
Involuntary manslaughter
Reckless homicide
Concealment of a homicidal death
Involuntary manslaughter of an unborn child
Reckless homicide of an unborn child
Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

Kidnapping
Aggravated kidnapping
Aggravated unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction
Harboring a runaway

SEX OFFENSES

Indecent solicitation of a child
Indecent solicitation of an adult
Public indecency
Sexual exploitation of a child
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute
Solicitation of a sexual act
Pandering
Keeping a place of prostitution
Keeping a place of juvenile prostitution
Patronizing a prostitute
Patronizing a juvenile prostitute
Pimping
Juvenile pimping
Exploitation of a child
Obscenity
Child pornography
Harmful material

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Tie-in sales of obscene publications to distributors

BODILY HARM

Heinous battery

Aggravated battery with a firearm

Aggravated battery of a child

Tampering with food, drugs, or cosmetics

Hate crime

Stalking

Aggravated stalking

Threatening public officials

Home invasion

Vehicular invasion

Drug induced infliction of great bodily harm

Criminal sexual assault

Aggravated criminal sexual assault

Predatory criminal sexual assault of a child

Criminal sexual abuse

Aggravated sexual abuse

Criminal transmission of HIV

Criminal neglect of an elderly or disabled person

Child abandonment

Endangering the life or health of a child

Ritual mutilation

Ritualized abuse of a child

b) Additional Convictions that Bar Licensure of or Employment in a Child Care Facility

In addition to the requirements above, no new applicant and, on the date of licensure renewal, no current licensee may operate or receive a license from the Department to operate, no person may be employed by, and no adult person may reside in a child care facility licensed by the Department, who has been convicted of committing or attempting to commit any of the following offenses or an offense in any other jurisdiction the elements of which are similar and bear a substantial relationship to any of the following offenses:

OFFENSES DIRECTED AGAINST THE PERSON

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

BODILY HARM

- Felony aggravated assault
- Vehicular endangerment
- Felony domestic battery
- Aggravated battery
- Heinous battery
- Aggravated battery with a firearm
- Aggravated battery of an unborn child
- Aggravated battery of a senior citizen
- Intimidation
- Compelling organization membership of persons
- Abuse and gross neglect of a long term care facility resident
- Felony violation of an order of protection

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- Felony unlawful use of weapons
- Aggravated discharge of a firearm
- Reckless discharge of a firearm
- Unlawful use of metal piercing bullets
- Unlawful sale or delivery of firearms on the premises of any school
- Disarming a police officer
- Obstructing justice
- Concealing or aiding a fugitive
- Armed violence
- Felony contributing to the criminal delinquency of a juvenile

DRUG OFFENSES

- Possession of more than 30 grams of cannabis
- Manufacture of more than 10 grams of cannabis
- Cannabis trafficking
- Delivery of cannabis on school grounds
- Unauthorized production of more than 5 cannabis sativa plants
- Calculated criminal cannabis conspiracy
- Unauthorized manufacture or delivery of controlled substances
- Controlled substance trafficking
- Manufacture, distribution or advertisement of look-alike substances
- Calculated criminal drug conspiracy

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- Street gang criminal drug conspiracy
- Permitting unlawful use of a building
- Delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property
- Using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances
- Delivery of controlled substances
- Sale or delivery of drug paraphernalia
- Felony possession, sale, or exchange of instruments adapted for use of a controlled substance or cannabis by subcutaneous injection
- Felony possession of a controlled substance

c) Exception Applicable to Child Care Facilities Other than Foster Family Homes

Notwithstanding subsection (a), the Department may issue a new child care facility license or may renew the existing child care facility license of an applicant, or an applicant who has an adult residing in a home child care facility who was convicted of an offense described in subsection (b), or the Department may approve the employment of a person by a child care facility who was convicted of an offense described in subsection (b), provided that all of the following requirements are met:

- 1) The relevant criminal offense or offenses occurred more than 5 years prior to the date of application or renewal, except for drug offenses. The relevant drug offense must have occurred more than 10 years prior to the date of application or renewal unless the applicant or prospective employee has passed a drug test, arranged and paid for by the child care facility, no less than 5 years after the offense;
- 2) The Department must conduct a background check and assess all convictions and recommendations of the child care facility, and determine if a waiver is applicable in accordance with Section 385.60 of this Part;
- 3) The applicant meets all other requirements and qualifications to obtain a license to operate the pertinent type of child care facility.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 1167, effective January 1, 2004, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 6, 2004 through January 12, 2004 and have been scheduled for review by the Committee at its February 18, 2004 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/19/04	<u>Department of Human Services</u> , General Assistance (89 Ill. Adm. Code 114)	10/3/03 27 Ill. Reg. 15253	2/18/04
2/19/04	<u>Department of Human Services</u> , Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)	10/3/03 27 Ill. Reg. 15226	2/18/04
2/19/04	<u>Department of Human Services</u> , General Administrative Provisions (89 Ill. Adm. Code 10)	10/3/03 27 Ill. Reg. 15221	2/18/04
2/20/04	<u>Illinois Racing Board</u> , Medication (11 Ill. Adm. Code 603)	10/10/03 27 Ill. Reg. 15753	2/18/04

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JANUARY 2004 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): General Procedures; 80 Ill. Adm. Code 1100

1) Rulemaking: Amendment

A) Description: Changes the deadline for filing a motion to revoke a subpoena.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: January 13, 2004

D) Date agency anticipates First Notice: January 19, 2004

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

F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed at meetings between members and staff of the Board and representatives of the educational labor relations community.

b) Part(s) (Heading and Code Citation): General Procedures; 80 Ill. Adm. Code 1100

1) Rulemaking: Amendment

A) Description: Provides a date for the production of subpoenaed documents.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: January 13, 2004

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JANUARY 2004 REGULATORY AGENDA

- D) Date agency anticipates First Notice: January 19, 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed between members and staff of the Board and representatives of the educational labor relations community.

c) Part(s) (Heading and Code Citation): General Procedures; 80 Ill. Adm. Code 1100

1) Rulemaking: Amendment

- A) Description: Provides for filing by facsimile and electronic filings; establishes when documents filed by facsimile are considered to have been filed.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: January 13, 2004
- D) Date agency anticipates First Notice: January 19, 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JANUARY 2004 REGULATORY AGENDA

Chicago, Illinois 60601-3103
312/793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed at meetings between members and staff of the Board and representatives of the educational labor relations community.
- d) Part(s) (Heading and Code Citation): Hearing Procedures; 80 Ill Adm Code 1105
Subpart A: Non-Adversarial Procedures
Subpart B: Contested Cases
- Representation Procedures; 80 Ill. Adm. Code 1110
- Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120
- Fair Share Fee Objections; 80 Ill. Adm. Code 1125
- 1) Rulemaking: Amendments
- A) Description: Authorizes the filing of cross-exceptions and establishes a deadline for submitting them.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: January 13, 2004
- D) Date agency anticipates First Notice: January 19, 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JANUARY 2004 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed at meetings between the members and staff of the Board and representatives of the educational labor relations community.

e) Part(s) (Heading and Code Citation): Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120

1) Rulemaking: Amendment

A) Description: Changes the standard for allowing a late Answer to a Complaint.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: January 13, 2004

D) Date agency anticipates First Notice: January 19, 2004

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

F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed during meetings of members and staff of the Board and representatives of the educational labor relations community.

f) Part(s) (Heading and Code Citation): Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120

1) Rulemaking: Amendment

A) Description: Changes the required notice of a hearing.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JANUARY 2004 REGULATORY AGENDA

- B) **Statutory Authority: 115 ILCS 5/5(i)**
- C) **Scheduled meeting/hearing dates: January 13, 2004**
- D) **Date agency anticipates First Notice: January 19, 2004**
- E) **Effect on small businesses, small municipalities or not for profit corporations: None**
- F) **Agency contact person for information:**

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

- G) **Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed during a meeting between members and staff of the Board and representatives of the educational labor relations community.**

g) Part(s) (Heading and Code Citation): Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120

- 1) **Rulemaking: Amendment.**
 - A) **Description: Allows a party to request that the Administrative Law Judge certify an issue to the Board.**
 - B) **Statutory Authority: 115 ILCS 5/5(i)**
 - C) **Scheduled meeting/hearing dates: January 13, 2004**
 - D) **Date agency anticipates First Notice: January 19, 2004**
 - E) **Effect on small businesses, small municipalities or not for profit corporations: None**
 - F) **Agency contact person for information:**

Susan Willenborg

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JANUARY 2004 REGULATORY AGENDA

Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed during meetings between members and staff of the Board and representatives of the educational labor relations community.

h) Part(s) (Heading and Code Citation): Hearing Procedures; 80 Ill. Adm. Code 1105
Subpart B: Contested Cases

1) Rulemaking: Amendment.

A) Description: Provides for requests for production of documents.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: January 13, 2004

D) Date agency anticipates First Notice: January 19, 2004

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

F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed during meetings between members of the Board and representatives of the educational labor relations community.

i) Part(s) (Heading and Code Citation): Hearing Procedures; 80 Ill Adm Code 1105
Subpart B: Contested Cases

1) Rulemaking: Amendment

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JANUARY 2004 REGULATORY AGENDA

- A) Description: Changes the required content of a pre-hearing memorandum and the consequences of failure to disclose.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: January 13, 2004
- D) Date agency anticipates First Notice: January 19, 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed during meetings between members and staff of the Board and representatives of the educational labor relations community.

j) Part(s) (Heading and Code Citation): Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120

- 1) Rulemaking: Amendment
- A) Description: Changes the title of compliance proceeding; changes deadline for issuance of compliance decision.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: January 13, 2004
- D) Date agency anticipates First Notice: January 19, 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: None

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

- F) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was presented during meetings between members and staff of the Board and representatives of the educational labor relations community.**

k) Part(s) (Heading and Code Citation): Fair Share Fee Objections; 80 Ill. Adm. Code 1125**1) Rulemaking: Amendment.**

- A) Description: Changes the deadline for the commencement of a fair share hearing and for a Recommended Decision and Order to issue in a fair share case; deletes the requirement that the Recommended Decision and Order must be served on all parties.**

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: January 13, 2004

D) Date agency anticipates First Notice: January 19, 2004

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

F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed during meetings between members**

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and staff of the Board and representatives of the educational labor relations community.

l) Part(s) (Heading and Code Citation): Hearing Procedures; 80 Ill. Adm. Code 1105
Subpart B: Contested Cases

1) Rulemaking: Amendment

A) Description: Changes the deadline for filing motions that would preclude a hearing.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: January 13, 2004

D) Date agency anticipates First Notice: January 19, 2004

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

F) Agency contact person for information:

Susan Willenborg

Illinois Educational Labor Relations Board

160 N. LaSalle Street, Suite N-400

Chicago, Illinois 60601-3103

312/793-3170

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was discussed during meetings between members and staff of the Board and representatives of the educational labor relations community.

m) Part(s) (Heading and Code Citation): General Procedures; 80 Ill. Adm. Code 1100

Representation Procedures; 80 Ill. Adm. Code 1110

1) Rulemaking: Amendment

A) Description: Creates procedures for the recognition of bargaining representatives through a card check.

B) Statutory Authority: 115 ILCS 5/5(i)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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- C) Scheduled meeting/hearing dates: January 13, 2004
- D) Date agency anticipates First Notice: January 19, 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- G) Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle St., Suite N-400
Chicago, Illinois 60601-3103
312/793-3170
- H) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board recently adopted emergency rules on this topic. These amendments were discussed during meetings between members and staff of the Board and representatives of the educational labor relations community, and also were discussed in written submissions.

n) Part(s) (Heading and Code Citation): Public Information, Rulemaking, Organization and Personnel; 80 Ill. Adm. Code 2675
Subpart B: Rulemaking

Freedom of Information; 2 Ill. Adm. Code 2676

Americans with Disabilities Act Grievance Procedure; 4 Ill. Adm. Code 900

General Procedures; 80 Ill. Adm. Code 1100

Hearing Procedures; 80 Ill. Adm. Code 1105
Subpart A: Non-Adversarial Procedures

Hearing Procedures; 80 Ill. Adm. Code 1105
Subpart B: Contested Cases

Representation Procedures; 80 Ill. Adm. Code 1110

Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120

Fair Share Fee Objections; 80 Ill. Adm. Code 1125

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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University of Illinois Bargaining Units; 80 Ill. Adm. Code 11351) Rulemaking: AmendmentsA) Description: Updates statutory citations.B) Statutory Authority: 115 ILCS 5/5(i)C) Scheduled meeting/hearing dates: January 13, 2004D) Date agency anticipates First Notice: January 19, 2004E) Effect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle St., Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. These amendments were presented during a meeting between members and staff of the Board and representatives of the educational labor relations community.o) Part(s) (Heading and Code Citation): General Procedures; 80 Ill. Adm. Code 1100Hearing Procedures; 80 Ill. Adm. Code 1105Subpart A: Non-Adversarial ProceduresHearing Procedures; 80 Ill. Adm. Code 1105Subpart B: Contested Cases1) Rulemaking: AmendmentA) Description: Updates title of Chief Administrative Law Judge.B) Statutory Authority: 115 ILCS 5/5(i)C) Scheduled meeting/hearing dates: January 13, 2004

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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- D) Date agency anticipates First Notice: January 19, 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. These amendments were presented during a meeting between members and staff of the Board and representatives of the educational labor relations community.

p) Part(s) (Heading and Code Citation): Representation Procedures; 80 Ill. Adm. Code 1110

- 1) Rulemaking: Amendment
- A) Description: Corrects description of the procedure after the posting period in a stipulated unit clarification case.
- B) Statutory Authority: 5 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: January 13, 2004
- D) Date agency anticipates First Notice: January 19, 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Susan Willenborg
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312/793-3170

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was presented during a meeting between members and staff of the Board and representatives of the educational labor relations community.

q) Part(s) (Heading and Code Citation): Fair Share Fee Objections; 80 Ill. Adm. Code 1125

1) Rulemaking: Amendment

A) Description: Provides for Chief Administrative Law Judge to appoint fair share Administrative Law Judge.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: January 13, 2004

D) Date agency anticipates First Notice: January 19, 2004

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

F) Agency contact person for information:

**Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170**

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was presented during a meeting between members and staff of the Board and representatives of the educational labor relations community.

r) Part(s) (Heading and Code Citation): Fair Share Fee Objections; 80 Ill. Adm. Code 1125

1) Rulemaking: Amendment

A) Description: Changes “disperse” to “disburse” with respect to distribution of funds from escrow account.

B) Statutory Authority: 115 ILCS 5/5(i)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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- C) Scheduled meeting/hearing dates: January 13, 2004
- D) Date agency anticipates First Notice: January 19, 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was presented during a meeting between members and staff of the Board and representatives of the educational labor relations community.

s) Part(s) (Heading and Code Citation): Collective Bargaining and Impasse Resolution; 80 Ill. Adm. Code 1130

- 1) Rulemaking: Amendment
 - A) Description: Changes amount of notice of intent to strike to conform to statutory change.
 - B) Statutory Authority: 115 ILCS 5/5(i)
 - C) Scheduled meeting/hearing dates: January 13, 2004
 - D) Date agency anticipates First Notice: January 19, 2004
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JANUARY 2004 REGULATORY AGENDA

Chicago, Illinois 60601-3103
312/793-3170

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was presented during a meeting between members and staff of the Board and representatives of the educational labor relations community.

t) Part(s) (Heading and Code Citation): Public Information, Rulemaking, Organization and Personnel; 2 Ill. Adm. Code 2675
Subpart A: Public Information

1) Rulemaking: Amendment

A) Description: Updates agency addresses.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: January 13, 2004

D) Date agency anticipates First Notice: January 19, 2004

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

F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was presented during a meeting between members and staff of the Board and representatives of the educational labor relations community.

u) Part(s) (Heading and Code Citation): Public Information, Rulemaking, Organization and Personnel; 2 Ill. Adm. Code 2675
Subpart A: Public Information

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JANUARY 2004 REGULATORY AGENDA

1) **Rulemaking: Amendment**

A) Description: Changes person to be contacted for information about docket of cases pending hearing.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: January 13, 2004

D) Date agency anticipates First Notice: January 19, 2004

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

F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/93-3170

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was presented during a meeting between members and staff of the Board and representatives of the educational labor relations community.

v) Part(s) (Heading and Code Citation): Public Information, Rulemaking, Organization and Personnel; 2 Ill. Adm. Code 2675
APPENDIX A—Organization Chart

1) **Rulemaking: Amendment**

A) Description: Changes organizational chart to reflect restructuring of agency.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: January 13, 2004

D) Date agency anticipates First Notice: January 19, 2004

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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

F) Agency contact person for information:

Susan Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170

G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general revision of its rules. This amendment was presented during a meeting between members and staff of the Board and representatives of the educational labor relations community.

ILLINOIS COMMERCE COMMISSION

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- a) Part(s) (Heading and Code Citation): The Preservation of Records of Telephone Utilities (General Order 188), 83 Ill. Adm. Code 705
- 1) Rulemaking:
- A) Description: The Commission is reviewing this Part to determine whether revisions are appropriate.
- B) Statutory Authority: Implementing Section 5-107 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-107 and 10-101].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.
- F) Agency contact person for information:
- Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217/782-5683
- G) Related rulemakings and other pertinent information: None.
- b) Part(s) (Heading and Code Citation): Tariff Filings, 83 Ill. Adm. Code 745
- 1) Rulemaking:
- A) Description: The Commission is reviewing its requirements on tariff filings for telecommunications carriers to determine whether revisions are appropriate.

ILLINOIS COMMERCE COMMISSION

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- B) Statutory Authority: Implementing Sections 13-501, 13-502, and 13-504 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-501, 13-502, 13-504, and 10-101].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.
- F) Agency contact person for information:

Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217/782-5683

- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Arbitration Practice, 83 Ill. Adm. Code 761

1) Rulemaking:

- A) Description: The Commission is reviewing its rules on arbitration practice for telecommunications carriers to determine whether revisions are appropriate.
- B) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- C) Schedule meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Undetermined

ILLINOIS COMMERCE COMMISSION

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- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.
- F) Agency contact person for information:
- Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217/782-5683
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Approval or Rejection of Arbitrated Agreements, 83 Ill. Adm. Code 762
- 1) Rulemaking:
- A) Description: The Commission is reviewing its rules on the approval or rejection of arbitrated agreements between telecommunications carriers to determine whether revisions are appropriate.
- B) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.

ILLINOIS COMMERCE COMMISSION

JANUARY 2004 REGULATORY AGENDA

F) Agency contact person for information:

Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217-782-5683

G) Related rulemakings and other pertinent information: Nonee) Part(s) (Heading and Code Citation): Approval of Negotiated Agreements, 83 Ill. Adm. Code 7631) Rulemaking:

- A) Description: The Commission is reviewing its rules on the approval of negotiated agreements between telecommunications carriers to determine whether revisions are appropriate.
- B) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.
- F) Agency contact person for information:

Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue

ILLINOIS COMMERCE COMMISSION

JANUARY 2004 REGULATORY AGENDA

Springfield IL 62701
217/782-5683

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Telecommunications Enforcement, 83 Ill. Adm. Code 766

1) Rulemaking:

A) Description: The Commission is reviewing its rules on telecommunications enforcement concerning disputes between telecommunications carriers to determine whether revisions are appropriate.

B) Statutory Authority: Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

C) Schedule meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Undetermined

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.

F) Agency contact person for information:

Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217-782-5683

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Operator Service Providers, 83 Ill. Adm. Code 770

ILLINOIS COMMERCE COMMISSION

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1) Rulemaking:

- A) Description: The Commission is reviewing its regulation of operator service providers to determine whether any revisions are necessary.
- B) Statutory Authority: Implementing and authorized by Section 13-901 of the Public Utilities Act [220 ILCS 5/13-901].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject operator service providers or aggregators that are also small businesses.
- F) Agency contact person for information:

Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217-782-5683

- G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Wholesale Service Quality for Telecommunications Carriers 83 Ill. Adm. Code 731

1) Rulemaking:

- A) Description: Section 13-712(g) of the Public Utilities Act requires that "[t]he Commission...establish and implement carrier to carrier wholesale service quality rules and establish remedies to ensure enforcement of the rules." The Commission is conducting a proceeding to develop rules to comply with Section 13-712(g) of the Act.

ILLINOIS COMMERCE COMMISSION

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- B) Statutory Authority: Implementing Section 13-712(g) and 13-902(c)(3) of the Public Utilities Act [220 ILCS 5/13-712(g) and 220 ILCS 5/13-902(c)(3)]
- C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 01-0539.
- D) Date agency anticipates First Notice: First quarter 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.
- F) Agency contact person for information:
- Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
217-782-7434
- G) Related rulemakings and other pertinent information: None

STATE BOARD OF EDUCATION

JANUARY 2004 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1
- 1) Rulemaking:
- A) Description: Changes will be made in the provisions regarding adequate yearly progress, school improvement plans, and academic early warning and watch status to reflect P.A. 93-470. In addition, the rule on waivers will be revised in response to P.A. 93-557.
- B) Statutory Authority: 105 ILCS 5/2/-3.25a through 2-3.25g and 2-3.6
- C) Scheduled meeting/hearing date: To be announced
- D) Date agency anticipates First Notice: March 26, 2004
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270
- G) Related rulemakings and other pertinent information:
- b) Part(s) (Heading and Code Citation): Gifted Education; 23 Ill. Adm. Code 227
- 1) Rulemaking:
- A) Description: Part 227 will be repealed in its entirety in accordance with the repeal of Article 14A of the School Code by P.A. 93-21.
- B) Statutory Authority: 105 ILCS 5/Art. 14A
- C) Scheduled meeting/hearing date: To be announced

STATE BOARD OF EDUCATION

JANUARY 2004 REGULATORY AGENDA

- D) Date agency anticipates First Notice: April 30, 2004
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

- G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citation): Summer School for Gifted and Remedial Education; 23 Ill. Adm. Code 230

- 1) Rulemaking:

- A) Description: This Part will be amended by deleting references to gifted students in response to P.A. 93-21.
- B) Statutory Authority: 105 ILCS 5/2-3.61
- C) Scheduled meeting/hearing date: To be announced
- D) Date agency anticipates First Notice: April 30, 2004
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street

STATE BOARD OF EDUCATION

JANUARY 2004 REGULATORY AGENDA

Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information:d) Part(s) (Heading and Code Citation): Driver Education; 23 Ill. Adm. Code 2521) Rulemaking:A) Description: The requirement for certification of claims for reimbursement for this program by the school board president will be revised in light of P.A. 93-55.B) Statutory Authority: 105 ILCS 5/27-23 and 27-24C) Scheduled meeting/hearing date: To be announcedD) Date agency anticipates First Notice: February 27, 2004E) Effect on small businesses, small municipalities, or not-for-profit corporations: NoneF) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information:e) Part(s) (Heading and Code Citation): Regional Offices of Education and Intermediate Services; 23 Ill. Adm. Code 5251) Rulemaking:A) Description: References to the provision of services to gifted students will be deleted, in keeping with P.A. 93-21.

STATE BOARD OF EDUCATION

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- B) Statutory Authority: 105 ILCS 5/2-3.62
- C) Scheduled meeting/hearing date: To be announced
- D) Date agency anticipates First Notice: April 30, 2004
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

- G) Related rulemakings and other pertinent information:
- f) Part(s) (Heading and Code Citation): School Technology Program; 23 Ill. Adm. Code 575
- 1) Rulemaking:
 - A) Description: Several revisions will be made in the rules for the School Technology Revolving Loan Program pursuant to P.A. 93-368, e.g., to provide for computer furniture as an allowable expense.
 - B) Statutory Authority: 105 ILCS 5/2-3.117a
 - C) Scheduled meeting/hearing date: To be announced
 - D) Date agency anticipates First Notice: March 28, 2004
 - E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
 - F) Agency contact person for information:

STATE BOARD OF EDUCATION

JANUARY 2004 REGULATORY AGENDA

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information:

g) Part(s) (Heading and Code Citation): Procurement by the State Board of Education; 44 Ill. Adm. Code 1100

1) Rulemaking:

A) Description: Several changes will be made in the requirements related to contractors, in keeping with P.A. 93-25 and P.A. 93-77.

B) Statutory Authority: 30 ILCS 500/1-30

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: May 28, 2004

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

F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information:

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2004 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Measurement Procedures For The Enforcement Of 35 Ill. Adm. Code 900 & 901 (35 Ill. Adm. Code 951)

1) Rulemaking: Proposed Repealer

A) Description: The sound measurement procedures set forth in 35 Ill. Adm. Code 951 are obsolete and no longer used. In addition, the Illinois Pollution Control Board ("Board") is currently amending its noise pollution rules at 35 Ill. Adm. Code 900 and 903 to update the standards and procedures that must followed when measuring sound. Because Part 951 is obsolete, no longer used, and will be superceded by the Board's amended rules once they are adopted, the Part will be repealed.

B) Statutory Authority: Sections 25 and 27 of the Environmental Protection Act (415 ILCS 5/25 and 27) and 35 Ill. Adm. Code 900.103

C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meeting or hearing dates on this proposal.

D) Date Agency anticipates First Notice: Following the Illinois Pollution Control Board's adoption of its amendments to 35 Ill. Adm. Code 900, 901, and 903, and the proposed new 35 Ill. Adm. Code 910.

E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal.

F) Agency contact person for information:

M. Kyle Rominger, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217/782-5544

G) Related rulemakings and other pertinent information: The Illinois EPA is planning a concurrent repeal of 35 Ill. Adm. Code Part 952.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2004 REGULATORY AGENDA

- b) Part(s) (Heading and Code Citation): Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 902 (35 Ill. Adm. Code 952)
- 1) Rulemaking: Proposed Repealer
- A) Description: The sound measurement procedures set forth in 35 Ill. Adm. Code 952 are obsolete and no longer used. In addition, the Illinois Pollution Control Board ("Board") is currently amending its noise pollution rules at 35 Ill. Adm. Code 900, 901, and 903, and proposing a new 35 Ill. Adm. Code 910, to update the standards and procedures that must be followed when measuring sound. Because Part 952 is obsolete, no longer used, and will be superseded by the Board's amended rules once they are adopted, the Part will be repealed.
- B) Statutory authority: Sections 25 and 27 of the Environmental Protection Act (415 ILCS 5/25 and 27) and 35 Ill. Adm. Code 900.103
- C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meeting or hearing dates on this proposal.
- D) Date Agency anticipates First Notice: Following the Illinois Pollution Control Board's adoption of its amendments to 35 Ill. Adm. Code 900, 901, and 903, and the proposed new 35 Ill. Adm. Code 910.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal.
- F) Agency contact person for information:
- M. Kyle Rominger, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217/782-5544
- G) Related rulemakings and other pertinent information: The Illinois EPA is planning a concurrent repeal of 35 Ill. Adm. Code Part 951.

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- c) Part(s) (Heading and Code Citation): Procedures for collection of asbestos fees (35 Ill. Adm. Code 269)
- 1) Rulemaking: No Docket yet reserved
- A) Description: The proposed new rule would set forth the procedures the Agency will use to collect asbestos fees under new Section 9.13.
- B) Statutory authority: Authorized by Section 9.13 of the Environmental Protection Act [415 ILCS 5/9.13].
- C) Scheduled meeting/hearings dates: None yet scheduled
- D) Date Agency anticipates First Notice: None yet scheduled
- E) Effect on small business, small municipalities or not for profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must file an original 10-day notice of intent to renovate or demolish pursuant to 40 CFR 61.145(b) (part of the federal asbestos National Emission Standard for Hazardous Air Pollutants or NESHAP), would be subject to the procedures to set forth in this new rule.
- F) Agency contact person for information:
- Charles E. Matoesian
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217/782-5544
- G) Related Rulemaking and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Construction Permit Application Fees For Air Pollution Sources (35 Ill. Adm. Code 250)
- 1) Rulemaking: No Docket yet reserved
- A) Description: The proposed new rule would set forth the procedures the Agency will use to collect construction permit fees for air pollution sources

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under new Section 9.12 of the Environmental Protection Act.

- B) Statutory authority: Authorized by Section 9.12 of the Environmental Protection Act [415 ILCS 5/9.12]
- C) Scheduled meeting/hearings dates: None yet scheduled
- D) Date Agency anticipates First Notice: None yet scheduled
- E) Effect on small business, small municipalities or not for profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that submit construction permit applications that trigger the fee provisions would be subject to the procedures to set forth in this new rule.
- F) Agency contact person for information:

Gina Roccaforte
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217/782-5544

- G) Related rulemaking and other pertinent information: None

e) Part(s) (Heading and Code Citation): Procedures For Collection Of Air Pollution Site Fees (35 Ill. Adm. Code 251)

- 1) Rulemaking: No Docket yet reserved
 - A) Description: The proposed rule would modify the current rule to address recent amendments made to 415 ILCS 5/9.6. In addition, the proposed rule would make miscellaneous changes.
 - B) Statutory authority: Authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6]
 - C) Scheduled meeting/hearings dates: None yet scheduled

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- D) Date Agency anticipates First Notice: None yet scheduled
- E) Effect on small business, small municipalities or not for profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must pay site fees would be subject to the modified applicability provisions.
- F) Agency contact person for information:

Charles E. Matoesian
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217-782-5544
- G) Related rulemaking and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Clean Air Act Permit Program Procedures (35 Ill. Adm. Code 270)
- 1) Rulemaking: No Docket yet reserved
- A) Description: The proposed rule would modify the current rule to address recent amendments to the Clean Air Act Permit Program (CAAPP) fee schedule. In addition, the proposed rule would make miscellaneous changes.
- B) Statutory authority: Authorized by Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5]
- C) Scheduled meeting/hearings dates: None yet scheduled
- D) Date Agency anticipates First Notice: None yet scheduled
- E) Effect on small business, small municipalities or not for profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to CAAPP fees would be subject to the proposed rule.

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F) Agency contact person for information:

Charles Matoesian
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217-782-5544

G) Related rulemaking and other pertinent information: Noneg) Part(s) (Heading and Code Citation): Procedures For The NOX Trading Program (35 Ill. Adm. Code 256)1) Rulemaking: No Docket yet reserved

A) Description: The proposed new rule would set forth the Agency's procedures for selling any unearned early reduction credits under 35 Ill. Adm. Code 217.Subparts U or W, and any allowances that remain after each allocation period UNDER Part 217. In addition, the rulemaking may also contain procedural rules for implementing the State's NOx trading program.

B) Statutory Authority: Authorized by Section 9.9 of the Environmental Protection Act [415 ILCS 5/9.9]

C) Scheduled meeting/hearings dates: None yet scheduled

D) Date Agency anticipates First Notice: None yet scheduled

E) Effect on small business, small municipalities or not for profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to the NOx Trading Program would be subject to the proposed rule.

F) Agency contact person for information:

Rachel Doctors
Illinois Environmental Protection Agency
1021 North Grand Avenue East

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- G) Related rulemaking and other pertinent information: None
- h) Part(s) Heading and Code Citation: Procedures For Issuing Loans From The Water Pollution Control Revolving Loan Fund (35 Ill. Adm. Code 365)
- 1) Rulemaking:
- A) Description: This rulemaking amends the Agency's present Water Pollution Control Loans to update and make them consistent with current Federal guidance and the Agency's rules for the Public Water Supply Loan Program, 35 Ill. Adm. Code 663.
- B) Statutory Authority: The amended rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act (415 ILCS 5/19.1 through 19.8).
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time.
- D) Date Agency anticipates First Notice: July 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will simplify the procedures for obtaining loans from the wastewater treatment loan program.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Ron Drainer
Infrastructure Financial Section
Bureau of Water (15)
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276

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- G) Related rulemaking and other pertinent information: None
- i) Parts (Headings and Code Citations): Illinois Environmental Protection Agency (Illinois EPA) Public Water Supplies, Technical Policy Statements, (35 Ill. Adm. Code 651 through 654)
- 1) Rulemaking:
- A) Description: The amendments to these Illinois EPA rules will update definitions and explanations of administrative procedures and provide current information to owners, operators and official custodians of public water supplies. More recent design and operational criteria will be incorporated to provide information necessary for the design, operation, and maintenance of public water supplies and to facilitate the permitting process. In addition, the amendments will exempt from restricted status certain public water supplies that exceed the combined radium standard, provided the supplies meet certain conditions.
- The amendments to these Illinois EPA rules will also incorporate technical, financial, and managerial requirements for new public water supplies (PWS). The proposed amendments are required by the 1996 amendments to the federal Safe Drinking Water Act (SDWA). On May 22, 1998, the Illinois General Assembly passed SB 545 which, *inter alia*, amends Sections 15 and 18 of the Environmental Protection Act (Act) [415 ILCS 5/15 and 5/18] to require that new PWS have the technical, financial, and managerial capacity to meet federal and State Drinking water regulations. The Governor signed this bill into law on August 14, 1998.
- B) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].
- C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: July 2004

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- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements. These amendments may also affect new small businesses, new small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Vera Herst
Division of Legal Counsel (21)
Bureau of Water/Public Water Supply
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield IL 62794-9276
217-782-5544
- G) Related rulemakings and other pertinent information: The Agency is preparing a rulemaking proposal to establish the requirements that must be met by public water supplies that exceed the combined radium standard or the gross alpha particle activity standard, to avoid being placed on restrictive status.
- j) Parts (Headings and Code Citations): Illinois Environmental Protection Agency (Illinois EPA) Public Water Supplies, Permit Fees For Installing or Extending Water Main (35 Ill. Adm. Code 690)
- 1) Rulemaking:
- A) Description: In June 2003, the Governor signed into law S.B. 1903, which established a new fee structure for installing and extending water mains. The amendments to this rule will formally incorporate the new fee. The collection of fees in the amendments reflect the increases mandated by the

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new law for construction permits, emergency construction permits, or as-built plans to install or extend water mains.

- B) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].
- C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: July 2004
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect small businesses, small municipalities and not for profit entities to the extent that these entities design, operate, or maintain a public water supply, or engage in the permitting process. The Illinois EPA anticipates that the amendments will generally benefit these entities by clarifying the requirements for facility operations and permits. The amendments do not impose additional reporting requirements.
- F) Agency contact person for information:

Jerry Kuhn
Division of Legal Counsel
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield IL 62794-9276
217/782-5544

- G) Related rulemaking and other pertinent information: None

k) Parts (Headings and Code Citations): Illinois Environmental Protection Agency (Illinois EPA) Public Water Supplies, Procedures For Issuing Loans From The Public Water Supply Loan Program, (35 Ill. Adm. Code 662 and 663).

1) Rulemaking:

- A) Description: The Illinois EPA has recently issued tax-exempt bonds to increase funding for the Public Water Supply Loan Program. The Illinois

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EPA is reviewing Parts 662 and 663 to determine how these parts may be amended to accommodate future leveraging of the program.

- B) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].
- C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: July 2004
- E) Effect on small business, small municipalities or not-for-profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will clarify the requirements of the Public Water Supply Loan Program that relate to the issuance of tax-exempt bonds.
- F) Agency contact person for information:

Vera Herst
Division of Legal Counsel
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield IL 62794-9276
217/782-5544

- G) Related rulemaking and other pertinent information: None

- l) Part(s) (Heading and Code Citation): Procedures And Requirements For Conflict Resolution In Revising Water Quality Management Plans (35 Ill. Adm. Code 351)

1) Rulemaking:

- A) Description: The Illinois Environmental Protection Agency will soon begin preparing a rulemaking proposal as required by P.A. 93-0313 (Facilities Planning Area Rules Act). This statute took effect on July 23, 2003 and requires the Agency to propose regulations within one year of its effective date that take into account the findings of the Facility Planning

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Area Stakeholder Group and studies of the facilities planning area program. The findings to be taken into consideration include those related to nonpoint source pollution management, construction site and urban runoff, consistency with antidegradation regulations, alternatives analysis, interagency coordination, alternative dispute resolution, and consistency with local, county, and regional land use plans and resource protection plans.

- B) Statutory authority: Implementing and authorized by P.A. 93-0313 (Facilities Planning Area Rules Act).
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time
- D) Date Agency anticipates First Notice: June 2003
- E) Effect on Small Businesses, small municipalities or not for profit corporations: This rulemaking is expected to impact only the internal Agency procedures for processing amendments to facilities planning area boundary changes. The rulemaking may have some impact on small municipalities seeking to make facilities planning area boundary changes. It will have no impact on small businesses or not for profit corporations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Deborah J. Williams
Division of Legal Counsel (MC #21)
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-5544
- G) Related rulemaking and other pertinent information: None

m) Part(s) Heading and Code Citation: Procedures For Issuing Loans From The Water Pollution Control Revolving Loan Fund (35 Ill. Adm. Code 366)

1) Rulemaking:

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- A) Description: The IEPA is proposing amendments to revise procedures for the allocation of funds. Funds in the Water Pollution Control Revolving Fund are subject to an equal division between the service area of the Metropolitan Water Reclamation District of Greater Chicago and the area consisting of the rest of the State. Currently new funds that are not allocated during the fiscal year are carried over and may be used only for projects in the particular geographical area for which the funds were initially allocated. These amendments would allow funds not obligated in a given fiscal year to be treated as new funds when carried over to the following fiscal year. As new funds, they would once again be subject to the equal division between the two major geographic areas for the purpose of developing an Intended Use Plan only. These amendments also specify at what point these funds lose their geographic identity when utilized for the funding of projects not included in the Intended Use Plan.
- B) Statutory authority: The amended rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act (415 ILCS 5/19.1 through 19.8).
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time
- D) Date Agency anticipates First Notice: July 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will simplify the procedures for obtaining loans from the wastewater treatment loan program.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Ron Drainer
Infrastructure Financial Assistant Section
Bureau of Water (15)
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276

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217/782-0610

- G) Related rulemaking and other pertinent information: None

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

DECEMBER 2003 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Low-Income Housing Tax Credit Allocation; 47 Ill. Adm. Code 350

1) Rulemaking:

- A) Description: Amends rules to bring them into conformity with the Illinois Housing Development Authority's Tax Credit Allocation Plan and Section 42 of the Internal Revenue Code (26 U.S.C., Section 42).
- B) Statutory Authority: Sections 3805/7.24 of the Illinois Housing Development Act
- C) Scheduled meeting/hearing date: March 2004
- D) Date agency anticipates First Notice: April 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Richard B. Muller, Esq.
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 900
Chicago IL 60611
312/836-5200
- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Affordable Housing Program; 47 Ill. Adm Code 360

1) Rulemaking:

- A) Description: Amend various sections to conform with updated guidelines.
- B) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25] and Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)]
- C) Scheduled meeting/hearing date: May 2004

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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- D) Date agency anticipates First Notice: June 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Richard Muller, Esq.
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 900
Chicago IL 60611
312/836-7341
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): MultiFamily Rental Housing Mortgage Loan Program; 47 Ill. Adm Code 310
- 1) Rulemaking:
- A) Description: Amend various sections to conform with updated guidelines.
- B) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25]
- C) Scheduled meeting/hearing date: August 2004
- D) Date agency anticipates First Notice: September 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Richard B. Muller, Esq.
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 900
Chicago IL 60611
312/836-5327

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

DECEMBER 2003 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

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- a) Part(s) (Heading and Code Citation): Rulemaking and Organization - 2 Ill. Adm. Code 825
- 1) Rulemaking:
- A) Description: This Part contains the Department's procedures for rulemaking and the organization structure.
- B) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Freedom of Information - 2 Ill. Adm. Code 826
- 1) Rulemaking:
- A) Description: This Part contains the Department's procedures for obtaining documents pursuant to the Freedom of Information Act.
- B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140/1 et seq.].
- C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: May 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Stanley Yonkauski
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Americans with Disabilities Act Grievance Procedure - 2 Ill. Adm. Code 1000
- 1) Rulemaking:
- A) Description: This Part contains the procedures for filing grievances pursuant to ADA.
- B) Statutory Authority: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Regulations Concerning Horse Barns at Sites Having Equestrian Use Areas - 17 Ill. Adm. Code 140
- 1) Rulemaking:
- A) Description: This Part contains the regulations for overnight barn stabling of horses at Department sites having equestrian use areas.
- B) Statutory Authority: Implementing and authorized by Sections 1, 4, 4c and 6 of the "State Parks Act" [20 ILCS 835/1, 4, 4c and 6]; and by Section 5 of the State Parks Designation Act [20 ILCS 840/5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: Will affect persons with concession contracts with DNR.
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions - 17 Ill. Adm. Code 150
- 1) Rulemaking:
- A) Description: This Part contains the regulations and selection criteria regarding concession leases, agricultural management leases, sale of buildings and facilities and demolitions.

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- B) Statutory Authority: Implementing and authorized by Sections 63a6, 63a14, and 63a21 of the Civil Administrative Code of Illinois [20 ILCS 805/63a6,63a14, and 63a21].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: Will affect persons with concession agreements, lease agreements or contracts with DNR.
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Firewood Collection - 17 Ill. Adm. Code 170
- 1) Rulemaking:
- A) Description: This Part contains the permit requirements for collection of firewood at State forests.
- B) Statutory Authority: Implementing Section 5 of the State Forest Act [525 ILCS 40/5] and authorized by Section 63a8 of The Civil Administrative Code of Illinois [20 ILCS 805/63a8].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None

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F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: Noneg) Part(s) (Heading and Code Citation): Rental of Boats and Boating Facilities - 17 Ill. Adm. Code 2101) Rulemaking:

A) Description: This Part contains the regulations for rental of boats by the Department or concessionaires.

B) Statutory Authority: Implementing and authorized by Sections 63a14, 63a15, 63a21, and 63a22 of the Civil Administrative Code of Illinois [20 ILCS 805/63a14, 63a15, 63a21 and 63a22].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2004

E) Affect on small businesses, small municipalities or not for profit corporations: Will affect persons with concession agreements with DNR.

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: Noneh) Part(s) (Heading and Code Citation): North Point Marina - 17 Ill. Adm. Code 2201) Rulemaking:

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- A) Description: This Part contains regulations pertaining to the berthing of vessels and other activities and operations within the North Point Marina.
- B) Statutory Authority: Implementing and authorized by Sections 1 and 4 of the State Parks Act [20 ILCS 835/1 and 4] and by Sections 63a5, 63a15 and 63a21 of the Civil Administrative Code of Illinois [20 ILCS 805/63a5, 63a15 and 63a21] and by Section 6z-10 of the State Finance Act [30 ILCS 105/6z-10].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): North Point Marina Vendors - 17 Ill. Adm. Code 230
- 1) Rulemaking:
- A) Description: This Part contains the regulations for vendors operating at North Point Marina.
- B) Statutory Authority: Implementing and authorized by the State Parks Act [20 ILCS 835/4 and by Sections 63a7, 63a11, 63a14, 63a15, 63a18, 63a21, 63a21.1 and 63a37 of the Civil Administrative Code of Illinois [20 ILCS 805/63a7, 63a11, 63a14, 63a15, 63a18, 63a21.1, and 63a37].
- C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: March 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: Will affect vendors operation at North Point Marina
- F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

- G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): The Protection of Archaeological Resources - 17 Ill. Adm. Code 370

- 1) Rulemaking:
- A) Description: This Part contains regulations protecting archaeological resources on Department properties.
- B) Statutory Authority: Implementing and authorized by the "Archaeological and Paleontological Resources Protection Act" [20 ILCS 3435], Section 2 of the "Illinois Historic Preservation Act" [20 ILCS 3410/2 and Sections 1-70 and 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/1-70 and 5-15.
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
One Natural Resources Way

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217/782-1809

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Non-Departmental Archaeological Research on Department of Natural Resources Managed Lands - 17 Ill. Adm. Code 390

1) Rulemaking:

A) Description: This Part sets forth the conditions under which archaeological research by organizations and individuals outside of the Department (who are not operating as "agents" of the Department) may be permitted.

B) Statutory Authority: Implementing and authorized by Sections 1, 3, 4, and 6 of the Historic Preservation Act [20 ILCS 3410/1, 3, 4, and 6], Sections 1-70 and 5-15(a)(2) of the Illinois Administrative Procedure Act [5 ILCS 100/1-70 and 5-15] and the "Archaeological and Paleontological Resources Act [20 ILCS 3435].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2004

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

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Hunting and Trapping Accidents - 17 Ill. Adm. Code 515

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- 1) Rulemaking:
 - A) Description: This Part contains the regulations for reporting hunting and trapping accidents to the Department.
 - B) Statutory Authority: Implementing and authorized by Section 3.40 of the Wildlife Code [520 ILCS 5/3.40] and Section 63a37 of The Civil Administrative Code of Illinois [20 ILCS 805/63a37]
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: April 2004
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
 - G) Related rulemakings and other pertinent information: None
- m) Part(s) (Heading and Code Citation): Hunting Season for Game Breeding and Hunting Preserve Areas - 17 Ill. Adm. Code 745
 - 1) Rulemaking:
 - A) Description: This Part contains criteria for establishing hunting season for game breeding and hunting preserve areas.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 3.27, 3.28 and 3.29].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: March 2004

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- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- n) Part(s) (Heading and Code Citation): Dog Training on Non-Department Owned or -Managed Lands - 17 Ill. Adm. Code 960
- 1) Rulemaking:
- A) Description: This Part contains the regulations for dog training on non-Department owned or -managed lands.
- B) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None

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- o) Part(s) (Heading and Code Citation): Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species - 17 Ill. Adm. Code 1075
- 1) Rulemaking:
- A) Description: This Part contains the regulations on consultation procedures for assessing impacts of agency actions on endangered and threatened species.
- B) Statutory Authority: Implementing and authorized by Section 11(b) of the Illinois Endangered Species Protection Act [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Illinois List of Endangered and Threatened Fauna - 17 Ill. Adm. Code 1010
- 1) Rulemaking:
- A) Description: This Part contains the list adopted by the Illinois Endangered Species Protection Board as the Official List of Endangered and Threatened Fauna of Illinois
- B) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

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- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- q) Part(s) (Heading and Code Citation): Illinois List of Endangered and Threatened Fauna - 17 Ill. Adm. Code 1050
- 1) Rulemaking:
- A) Description: Contains the lists of endangered and threatened flora adopted by the Illinois Endangered Species Protection Board.
- B) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271

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G) Related rulemakings and other pertinent information: Noner) Part(s) (Heading and Code Citation): Implementation Procedures for the Interagency Wetlands Policy Act - 17 Ill. Adm. Code 10901) Rulemaking:A) Description: This Part contains the regulations for compliance with the implementation Procedures for the Interagency Wetlands Policy Act.B) Statutory Authority: Implementing and authorized by the Interagency Wetland Policy Act of 1989 [20 ILCS 830].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: February 2004E) Affect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809G) Related rulemakings and other pertinent information: Nones) Part(s) (Heading and Code Citation): Forestry Development Cost-Share Program - 17 Ill Adm Code 15361) Rulemaking:A) Description: The purpose of this program is to encourage the planting, management, use, and regeneration of forests.

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- B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- t) Part(s) (Heading and Code Citation): Seed Collection - 17 Ill. Adm. Code 1539
- 1) Rulemaking:
- A) Description: This Part establishes the regulations for obtaining a seed collection permit from the Department.
- B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way

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G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Distribution and Sale of Plant and Plant Materials - 17 Ill. Adm. Code 1540

1) Rulemaking:

A) Description: This Part contains the Department's regulations for distribution and sale of plant and plant materials.

B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40]; Section 1.12 of the Wildlife Code [520 ILCS 5/1.12]; and Sections 63a1, 63a2 and 63a8 of the Civil Administrative Code of Illinois [20 ILCS 805/63a1, 63a2 and 63a8].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2004

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

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): Sale of Forest Products - 17 Ill. Adm. Code 1545

1) Rulemaking:

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- A) Description: This Part contains regulations for sale of forest products.
- B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- w) Part(s) (Heading and Code Citation): Forest Fire Protection Districts Act - 17 Ill. Adm. Code 1560
- 1) Rulemaking:
- A) Description: This Part contains regulations for compliance with the Forest Fire Protection District Act
- B) Statutory Authority:
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2004

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

F) Agency contact person for information:

Jack Price
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217/782-1809

G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation: Rural Community Fire Protection Program - 17 Ill. Adm. Code 1570

1) Rulemaking:

A) Description: The Cooperative Forestry Assistance Act of 1978, Section 7(b)(3), 16USC2106(b)(3), as amended, authorized and directed the Secretary of Agriculture to provide financial, technical and related assistance to State Foresters or equivalent State officials in cooperative efforts to organize, train and equip fire agencies in rural areas and communities under 10,000 population to prevent and suppress fires.

B) Statutory Authority: Implementing and authorized by Sections 63a8 and 63c of the Civil Administrative Code of Illinois [20 ILCS 805/63a8 and 63c].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2004

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

F) Agency contact person for information:

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DEPARTMENT OF NATURAL RESOURCES

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G) Related rulemakings and other pertinent information: None

y) Part(s) (Heading and Code Citation): Falconry and the Captive Propagation of Raptors – 17 Ill. Adm. Code 1590

1) Rulemaking:

A) Description: This Part contains regulations for the possession and/or training of raptors, and for the issuance of licenses or permits to practice falconry and for captive propagation of raptors.

B) Statutory Authority: Implementing and authorized by the Timber Buyers Licensing Act [225 ILCS 735].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2004

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

F) Agency contact person for information:

Jack Price
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

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

1) Rulemaking:

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A) Description: This Part contains regulations for administration of the Boat Registration and Safety Act and the Snowmobile Registration and Safety Act.

B) Statutory Authority: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2004

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

F) Agency contact person for information:

Jack Price
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

aa) Part(s) (Heading and Code Citation): Consignment of Licenses, Stamps and Permits - 17 Ill. Adm. Code 2520

1) Rulemaking:

A) Description: This Part contains the regulations for designation of agents to sell the Department's licenses, stamps and permits.

B) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

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- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: Will affect persons selling the Department's permits
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None

bb) Part(s) (Heading and Code Citation): Department Revocation Procedures - 17 Ill. Adm. Code 2530

- 1) Rulemaking:
- A) Description: The rules in this Part govern the practices and procedures related to formal hearings conducted under the jurisdiction of the Department of Natural Resources, including but not limited to, hearings conducted for rulemaking, contested cases and revocation of licenses.
- B) Statutory Authority: Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625], Section 1.5 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1.5] and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2004

DEPARTMENT OF NATURAL RESOURCES

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

F) Agency contact person for information:

Jack Price
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217/782-1809

G) Related rulemakings and other pertinent information: None

cc) Part(s) (Heading and Code Citation): Interstate Wildlife Violator Compact - 17 Ill. Adm. Code 2535

1) Rulemaking:

A) Description: Proposed Rule. Rules for entering into interstate compacts concerning conservation law violators with one or more other states.

B) Statutory Authority: 20 ILCS 805/805-545

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2004

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

F) Agency contact person for information:

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One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

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dd) Part(s) (Heading and Code Citation): Relocation Assistance and Payments Program - 17 Ill. Adm. Code 2575

1) Rulemaking:

A) Description: The purpose of this Part is to provide for relocation and reestablishment of persons, businesses, farm operations and nonprofit organizations displaced as a result of the acquisition of land for State conservation projects.

B) Statutory Authority: Implementing and authorized by Sections 1 through 5 of the Displaced Person Relocation Act [310 ILCS 40/1-5], Section 3 of the State Forest Act [525 ILCS 40/3], Section 2 of the State Parks Act [20 ILCS 835/2], Section 1.9 of the Wildlife Code [520 ILCS 5/1.9] and Section 7.05 of the Illinois Natural Areas Preservation Act [525 ILCS 30/7.05].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2004

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

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

ee) Part(s) (Heading and Code Citation): Advertising in Department Publications - 17 Ill. Adm. Code 2650

1) Rulemaking:

A) Description: This Part contains regulations for advertising by the public in Department publications.

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B) Statutory Authority: Implementing and authorized by Section 63b2.4 of the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/63b2.4].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2004

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

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

ff) Part(s) (Heading and Code Citation): Illinois Snowmobile Grant Program - 17 Ill. Adm. Code 3010

1) Rulemaking:

A) Description: The purpose of the program is to provide financial assistance to eligible local units of government to assist them in the purchase, construction, maintenance and rehabilitation of public snowmobile areas, trails and facilities in Illinois.

B) Statutory Authority: Implementing and authorized by Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act [625 ILCS 40/8-1 and 9-1].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2004

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E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

gg) Part(s) (Heading and Code Citation): Snowmobile Trail Establishment Fund Grant Program - 17 Ill. Adm. Code 3020

1) Rulemaking:

A) Description: Implementing and authorized by Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act [625 ILCS 40/8-1 and 9-1].

B) Statutory Authority: Implementing and authorized by Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2004

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Jack Price
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Springfield IL 62702-1271
217/782-1809

DEPARTMENT OF NATURAL RESOURCES

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- G) Related rulemakings and other pertinent information: None
- hh) Part(s) (Heading and Code Citation): Open Space Lands Acquisition and Development Grant Program - 17 Ill. Adm. Code 3025
- 1) Rulemaking:
- A) Description: The Open Space Lands Acquisition and Development Act (OSLAD) provides for grants to be disbursed by the Department of Natural Resources (Department) to eligible local governments for the purpose of acquiring, developing and/or rehabilitating lands for public outdoor recreation purposes.
- B) Statutory Authority: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2004
- E) Affect on small businesses, small municipalities or not for profit corporations: Yes
- F) Agency contact person for information:
- Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- ii) Part(s) (Heading and Code Citation): Land and Water Conservation Fund (LWCF) Grant Program - 17 Ill. Adm. Code 3030
- 1) Rulemaking:
- A) Description: This Part contains regulations for administration of the Land and Water Conservation Fund Grant Program.

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B) Statutory Authority: Implementing and authorized by the Outdoor Recreation Resources Act [20 ILCS 860] and the Land and Water Conservation Fund Program (36 CFR 50).

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2004

E) Affect on small businesses, small municipalities or not for profit

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

jj) Part(s) (Heading and Code Citation): Boat Access Area Development Program - 17 Ill. Adm. Code 3035

1) Rulemaking:

A) Description: The purpose of the Boat Access Area Development Program is to provide financial assistance to Local Agencies to encourage the development, improvement and expansion of public boat access areas in Illinois.

B) Statutory Authority: Implementing and authorized by Section 63a25 of the Civil Administrative Code [20 ILCS 805/63a25] and Section 10-1 of the Boat Registration and Safety Act [625 ILCS 45/10-1].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2004

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E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

kk) Part(s) (Heading and Code Citation): Illinois Bicycle Path Grant Program - 17 Ill. Adm. Code 3040

1) Rulemaking:

A) Description: The purpose of the program is to provide financial assistance to eligible local units of government to assist them in the acquisition, construction, and rehabilitation of public off-road, non-motorized bicycle paths and directly related facilities (such as signs, drinking water, rest rooms) in Illinois. Bicycle routes/lanes sharing existing roadway surfaces are not eligible for funding assistance under this program.

B) Statutory Authority: The purpose of the program is to provide financial assistance to eligible local units of government to assist them in the acquisition, construction, and rehabilitation of public off-road, non-motorized bicycle paths and directly related facilities (such as signs, drinking water, rest rooms) in Illinois. Bicycle routes/lanes sharing existing roadway surfaces are not eligible for funding assistance under this program.

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2004

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

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F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: NoneII) Part(s) (Heading and Code Citation): Off-Highway Vehicle Recreational Trails Grant Program - 17 Ill. Adm. Code 30451) Rulemaking:

A) Description: The intent of the grant program is to provide financial aid to government agencies, not-for-profit organizations, and other eligible groups or individuals as noted in Section 3045.20 to develop, operate, maintain, and acquire land for off-highway vehicle parks, trailside facilities and trails that are open and accessible to the public in Illinois, as well as maintenance and repair of the parks, trails and trailside facilities. Funds for the grant program are derived from revenue generated in the Off-Highway Vehicle Trails Fund, a special fund in the State Treasury.

B) Statutory Authority: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2004

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Jack Price
One Natural Resources Way
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217/782-1809

DEPARTMENT OF NATURAL RESOURCES

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G) Related rulemakings and other pertinent information: None

mm) Part(s) (Heading and Code Citation): Open Land Trust Grant Program - 17 Ill. Adm. Code 3050

1) Rulemaking:

A) Description: The Open Land Trust Act (OLT) provides for grants to be disbursed by the Department of Natural Resources (Department) to eligible local governments for the purpose of acquiring lands for the protection of lakes, rivers, streams, open space, parks, natural lands, wetlands, prairies, forests, watersheds, resource-rich areas, greenways, significant fish and wildlife resources, and endangered or threatened species habitat, and for public outdoor natural resource related recreation purposes.

B) Statutory Authority: Implementing and authorized by the Open Land Trust Act [525 ILCS 33].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2004

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

nn) Part(s) (Heading and Code Citation): Permanent Program Performance Standards – Surface Mining Activities - 62 Ill. Adm. Code 1816

1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2004 REGULATORY AGENDA

A) Description: This Part is being amended to reflect an updated reference which is used in the Agricultural Land Productivity Formula (ALPF). ALPF is used to test the crop productivity success of mines areas

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 2004

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

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

oo) Part(s) (Heading and Code Citation): Permanent Program Performance Standards – Underground Mining Operations - 62 Ill. Adm. Code 1817

1) Rulemaking:

A) Description: Contains performance standards for underground mining operations.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

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D) Date agency anticipates First Notice: May 2004

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

F) Agency contact person for information:

Jack Price
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2004 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Hospital Report Card Code (77 Ill. Adm. Code New Part)
- 1) Rulemaking:
- A) Description: These rules will implement the Hospital Report Card Act (Public Act 93-0563). The rules will include specific clinical procedures for reporting nosocomial infection rates for Class I surgical site infection, ventilator-assisted pneumonia, and central line-related bloodstream infections. The rules will also establish format for quarterly reports to be submitted by hospitals to the Department April 30, July 31, October 31, and January 31 each year or the previous quarter. The format for annual reports, to be submitted by December 31 of each year, will also be included.
- B) Statutory Authority: Hospital Report Card Act (Public Act 93-0563, effective January 1, 2004)
- C) Schedule of meeting/hearing dates: No schedule has been established at this time.
- D) anticipates First Notice: Unknown at this time Date agency
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking should not affect small business, but small municipalities and not-for-profit corporations that own or operate hospitals may be affected.
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: After the Hospital Report Card Code is adopted, the Hospital Licensing Requirements (77 Ill. Adm. Code 250) will be amended to reference these rules .

DEPARTMENT OF PUBLIC HEALTH

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- b) Part (Heading and Code Citation): Language Assistance Services Code (77 Ill. Adm. Code New Part)
- 1) Rulemaking:
- A) Description: These rules will implement the Language Assistance Services Act. Public 93-0564 (effective January 1, 2004) amended the Act to make compliance mandatory rather than voluntary on the part of nursing homes and hospitals. The rulemaking will also include requirements for complaint investigation procedures and provisions for plans of correction and penalties for violation of the Act.
- B) Statutory Authority: Language Assistance Services Act [210 ILCS 87]
- C) Schedule of meeting/hearing dates: These amendments were considered by the State Board of Health at its December 11, 2003 meeting.
- D) Date agency anticipates First Notice: January 2004
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments may affect small businesses, small municipalities, and not-for-profit corporations that own or operate nursing homes or hospitals.
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: The Hospital Licensing Requirements (77 Ill. Adm. Code 250), the Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300), the Sheltered Care Facilities Code (77 Ill Adm. Code 330), the Illinois Veterans' Homes Code (77 Ill. Adm. Code 340), the Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350), and the Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390) will be amended to reference these new rules.

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c) Part (Heading and Code Citation): Children's Respite Care Center Demonstration Program Code (77 Ill. Adm. Code 260)1) Rulemaking:

A) Description: These rules will be amended in response to P.A. 93-0402 (effective January 1, 2004), which amended the Alternative Health Care Delivery Act to change the name and the scope of service provided by this model. Children's community-based health care center models will be allowed to provide the same services as children's respite care centers, with the addition of providing transitional stays of up to 120 days, medical day care, weekend camps, and diagnostic studies that are typically done in the home. The centers will service "children with special health care needs" who are younger than 22 years of age.

B) Statutory Authority: Alternative Healthcare Delivery Act [210 ILCS 3]

C) Schedule of meeting/hearing dates: None scheduled at this time. These amendments will be reviewed by the State Board of Health prior to publication as a proposed rulemaking.

D) Date agency anticipates First Notice: Unknown at this time. The Department is working with the Department of the Public Aid, the Department of Human Services, and the Department of Children and Family Services to implement this legislation.

E) Effect on small businesses, small municipalities or not-for-profit corporations: There is currently one licensee in this program. It is a not-for-profit corporation.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor

Springfield, Illinois 62761

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G) Related rulemakings and other pertinent information: None

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- d) Part (Heading and Code Citation): Hospice Programs (77 Ill. Adm. Code 280)
- 1) Rulemaking:
- A) Description: The rules will be amended in response to Public Act 93-0319, effective July 23, 2003, which amended the Hospice Program Licensing Act to change the definition of “terminally ill” from six months to one year of life expectancy and to eliminate the requirement that the hospice license be held by a home health agency, hospital, nursing home, or not-for-profit agency.
- B) Statutory Authority: Hospice Program Licensing Act [210 ILCS 60]
- C) Schedule of meeting/hearing dates: These amendments were reviewed by the State Board of Health at its December 11, 2003 meeting.
- D) Date agency anticipates First Notice: January 2004
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments may affect small businesses and not-for-profit agencies that are licensees.
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)
- 1) Rulemaking:
- A) Description: The rules will be amended to implement Public Act 93-0141, which amended the Assisted Living and Shared Housing Act to allow an establishment to request a floating license for any number of individual units within the building. Additional requirements for floating licenses are

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imposed. Public Act 93-0141 also clarifies that Alzheimer's and dementia programs must comply with all provisions of the Act, rather than just the provisions specifically dealing with Alzheimer's and dementia programs. It also provides that no public official, agent, or employee may place the name of unlicensed establishment on a list of programs in a geographic area.

- B) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9]
- C) Schedule of meeting/hearing dates: The rules were reviewed by the Assisted Living and Shared Housing Advisory Board at its November 13, 2003 meeting.
- D) Date agency anticipates First Notice: January 2004.
- E) Effect on small businesses, small municipalities or not for profit corporations: Unknown. This rulemaking will affect small business or not-for-profit corporations that own operate assisted living or shared housing establishments.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor

Springfield, Illinois 62761

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- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
 - 1) Rulemaking:
 - A) Description: The rules will be amended to add EMS personnel categories for First Responder-Tactical and First Responder-Paramedic Tactical. Requirements for training courses, eligibility, observation, experience, testing, and registration and re-registration will be included.

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- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Schedule of meeting/hearing date: These amendments were submitted to the State EMS Council at its December 2003 meeting for the Council's 90-day review period.
- D) Date agency anticipates First Notice: March 2004.
- E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses, small municipalities and not for profit corporations, but these licensure categories are optional.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor

Springfield, Illinois 62761

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- G) Related rulemakings and other pertinent information: None
- g) Part (Heading and Code Citation): Emergency Medical Services and Highway Safety (77 Ill. Adm. Code 515)
- 1) Rulemaking:
- A) Description: The rules will be amended to address the issue of employment of unlicensed emergency medical technicians (EMTs). Requirements for verification of licensure will be added, as well as requirements for renewal protocols and a process for notification of an EMT suspension. Electronic submission of renewals will be allowed. Requirements for EMT training programs will be amended to remove the requirements for submission of rosters and to include a process to verify that candidates for EMT-1 and EMT-P training programs have valid licenses. Applicants for EMT licensure will be required to provide their full legal name, date of birth, and legal address. New provisions will be added for renewal of licenses

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that have expired for more than 60 days. Standards for reciprocity will be amended.

- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Schedule of meeting/hearing dates: These amendments were reviewed by the State EMS Council at its September 2003 meeting.
- D) Date agency anticipates First Notice: January 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses, small municipalities and not for profit corporations. The effect will mostly involve documentation and record keeping.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Related rulemakings and other pertinent information: None
- h) Part (Heading and Code Citation): Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
- 1) Rulemaking:
 - A) Description: The rules will be amended to require vehicle service providers and specialized emergency medical services vehicle programs to notify the Department and the EMS Systems in which the provider participates at least seven working days prior to modifying or discontinuing service.
 - B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

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- C) Schedule of meeting/hearing date: These amendments were considered by the State EMS Council at its December 2003 meeting.
- D) Date agency anticipates First Notice: January 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses, small municipalities and not for profit corporations; however, this is only a notification requirement and will not have an economic effect.
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Health Care Worker Background Check Code
77 Ill. Adm. Code New Part)
- 1) Rulemaking:
- A) Description: This Part will replace the rules implementing the Health Care Worker Background Check Act in each of the sets of licensure rules for facilities and programs affected by the Act. New requirements implementing Public Act 93-0024, effective January 1, 2004, will be added. . Provisions will also be added to address issues that the Department has encountered in enforcing the Act and the rules, such as the form in which materials are to be submitted to the Nurse Aide Registry, and a list of the information that is requested on the waiver application.
- B) Statutory Authority: Health Care Worker Background Check Act
[225 ILCS 46]
- C) Schedule of meeting/hearing dates: These amendments were reviewed by the State Board of Health at its December 11, 2003 meeting.
- D) Date agency anticipates First Notice: January 2004

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E) Effect on small businesses, small municipalities or not for profit corporations: These rules will affect long-term care facilities, hospitals, home health agencies, assisted living facilities, and facilities licensed under the Alternative Health Care Facility Act.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister

Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
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G) Related rulemakings and other pertinent information: Each of the individual sets of licensure rules for facilities and programs affected by the Health Care Worker Background Check Act will be amended to delete existing requirements for compliance with the Act and to include a requirement for compliance with this new Part.

j) Part (Heading and Code Citation): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

1) Rulemaking:

A) Description: Subpart S (Providing Services to Persons With Serious Mental Illness) will be amended to allow facilities with 20 or fewer residents with serious mental illnesses to request an exemption from some requirements of Subpart S by submitting a declaration to the Department, stating that no resident under age 55 with serious mental illness will be admitted to the facility. Procedures for readmitting residents with serious mental illness will be included, as well as admission on a case-by-case basis. The rules will also be amended to add occupational therapists to the list of individuals who can perform psychosocial assessments and act as psychiatric rehabilitation services directors and psychiatric rehabilitation services coordinators. Facilities will be allowed to employ persons who have successfully completed a psychiatric rehabilitation certificate program to provide psychiatric rehabilitation program services to residents.

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- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Schedule of meeting/hearing dates: These amendments were approved by the Long-Term Facility Advisory at its November 13, 2002 meeting.
- D) Date agency anticipates First Notice: January 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect skilled nursing and intermediate care facilities that care for 20 or fewer individuals who have a diagnosis of serious mental illness.
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
- Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information:
- k) Part (Heading and Code Citation): Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- 1) Rulemaking:
- A) Description: The rules will be amended to implement Public Act 93-0041, effective June 27, 2003, which amended the Hospital Licensing Act to require the Department to give a Hospital that is planning to submit a construction project for review the opportunity to discuss its plans and specifications with the Department before submittal for Department review. The legislation also shortened the time frame for an on-site inspection from 30 to 15 days after project completion and allowed the Department to grant an “alternative compliance methodology” to a rule or standard that may present a barrier to the development, adoption, or implementation of an innovation designed to improve patient care. The rules will be amended to implement these changes in the law. In addition, a quotation from the Guidelines for Perinatal Care (American College of

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Obstetricians and Gynecologists) concerning the identification of infants will be updated to reflect the most recent edition of the Guidelines.

- B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- C) Schedule of meeting/hearing dates: The amendments will be reviewed by the Hospital Licensing Board at its February 2004 meeting.
- D) Date agency anticipates First Notice: March 2004
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking should not affect small businesses, but small municipalities and not-for-profit corporations that own or operate hospitals may be affected.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Related rulemakings and other pertinent information: None
- l) Part (Heading and Code Citation): Shellfish Certification Code (77 Ill. Adm. Code New Part)
 - 1) Rulemaking
 - A) Description: Public Act 92-769, effective January 1, 2003, authorizes the Department to issue an Illinois shellfish certificate, upon request, to shellfish firms in compliance with the Interstate Shellfish Sanitation Conference. The rules will specify application procedures for shellfish certification. The rules will also incorporate federal guidelines and regulations relating to shellfish sanitations, including guidelines and regulations of the Food Drug Administration titled "National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish" and "Fish and Fishery Products" (21 CFR 123), respectively .

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- B) Statutory Authority: Implementing and authorized by Section 21.3 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21.3].
- C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: May 2004
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister

Division of Legal Services

535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
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- G) Related rulemakings and other pertinent information: None
- m) Part (Heading and Code Citation): Tanning Facilities Code (77 Ill. Adm. Code 795)
- 1) Rulemaking:
 - A) Description: This rulemaking will provide a general revision and update of the rules for the Tanning Facilities Inspection Program.
 - B) Statutory Authority: Implementing and authorized by the Tanning Facility Permit Act (10 ILCS 145)]
 - C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.
 - D) Date agency anticipates First Notice: May 2004
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will clarify the regulatory procedures for the application for permits and the operation of tanning facilities.

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JANUARY 2004 REGULATORY AGENDA

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)

1) Rulemaking

A) Description: This rulemaking will clarify the Department's authority and procedures for the addition of multiple-source drug products to the Illinois Formulary that are not subject to a New Drug Application (NDA) or Abbreviated New Drug Application (ANDA) by the federal Food and Drug Administration (FDA). It will also clarify the general procedures for inclusion in the Illinois Formulary of products listed in the FDA's publication, *Approved Drug Products with Therapeutic Equivalence Evaluations*.

B) Statutory Authority: Sections 2.22 and 3.14 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/2.22 and 620/3.14] and Section 25 of the Pharmacy Practice Act of 1987 [225 ILCS 85/25].\

C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: March 1, 2004.\

E) Effect on small businesses, small municipalities or not for-profit corporations: These amendments will provide for the inclusion of additional generic drug products in the Illinois Formulary, available for Illinois pharmacists' prescription interchange.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister

DEPARTMENT OF PUBLIC HEALTH

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G) rulemakings and other pertinent information: None Related

G) Related rulemakings and other pertinent information: None.

o) Part (Heading and Code Citation): Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois (77 Ill. Adm. Code 855)

1) Rulemaking

A) Description: This rulemaking involves revisions to the rules governing asbestos abatement activities in public and private schools and commercial and public buildings in Illinois. Proposed changes to the rules include: 1) clarification of incorporated materials to eliminate specific areas of inconsistency and to update referenced documents; 2) addition of definitions for "demolition", "incidental breakage" and other terms associated with non-friable floor tile removal; 3) increased licensing fees for workers and professionals; 4) clarification of notification requirements and procedures and clearance air sampling procedures for abatement of asbestos in commercial and public buildings; 5) addition of whole floor tile removal procedures for commercial and public building and schools; 6) provision of standards for floor tile supervisor and worker training.

B) Statutory Authority: Section 6 (b)(i)(2)(d) of the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207]

C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health. Public Hearings will be scheduled during the first notice period for this rulemaking.

D) Date agency anticipates First Notice: June 2004

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: None
- p) Part (Heading and Code Citation): Immunization Code (77 Ill. Adm. Code 695)
- 1) Rulemaking
- A) Description: Existing rules set forth the required immunizations and acceptable exemptions for children entering child care facilities, Head Start centers, preschool programs and programs under the kindergarten level. In 2002, legislation was enacted (P.A. 92-703) to amend the School Code to allow advanced practice nurses and physician assistants to issue medical objection statements. P.A. 92-703 presents a conflict with consistency between immunization codes and existing laws. Section 7 of the Child Care Act of 1969 [225 ILCS 10/7] does not actually state who can issue a medical objection statement, and current rules (695) indicate that only a physician may write the statement of medical objection. Therefore, to prevent a two-tiered standard of APNs and PAs being allowed to issue medical objections for school age children but unclear for preschool children, the rule change will ensure consistency of language and interpretation.
- B) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the Communicable Disease Prevention Act [410 ILCS 315] and Section 7 of the Child Care Act of 1969 [225 ILCS10/7].
- C) Schedule of meeting/hearing dates: Proposed amendments have been reviewed by the Immunization Advisory Committee and will be presented to the State Board of Health for review in the first quarter of 2004. The State Board of Health will schedule public hearings, if necessary.

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- D) Date agency anticipates First Notice: Changes in the rules will not be filed until revisions are approved by the State Board of Health.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on day care facilities.
- F) Information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
- G) Related rulemakings and other pertinent information: These changes will also affect the Child Health Examination Code (77 Ill. Adm. Code 665).
- q) Part (Heading and Code Citation): Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)
- 1) Rulemaking:
- A) Description: The existing rules set forth the requirements for the approval of training providers and the licensing of persons who conduct lead abatement and mitigation activities in dwellings and child care facilities. Additionally, the regulations cite the minimum work practices to be utilized when conducting lead investigations and remediation services to protect the public from associated hazards of lead exposure. This rulemaking involves a number of revisions to the lead poisoning prevention rules. Proposed changes include: 1) clarifying existing definitions applicable to lead activities; 2) eliminating redundancies of referenced incorporated federal regulations; 3) clarifying the work practices to be used by the Department or delegate agency for conducting investigations of regulated facilities that have been associated with a child with an elevated blood lead level; 4) establishing minimum work practices for lead investigations to be utilized by the regulated industry for conducting lead investigations in regulated facilities that are not associated with a child identified with an elevated blood lead level; 5) clarifying and expanding the minimum requirements for training course providers to

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receive Department approval to offer certified lead training for professionals seeking lead certification and licensing in Illinois; 6) clarifying the work practices to be prescribed by the Department or delegate agency for persons conducting lead mitigation or abatement of identified lead hazards in response to an investigation of regulated facilities associated with a child with an elevated blood lead level; 7) establishing minimum work practices for lead mitigation and abatement to be utilized by the regulated industry for conducting lead mitigation and abatement in regulated facilities that are not associated with a child identified with an elevated blood lead level; 8) clarifying existing requirements for licensed lead contractors to establish safe, effective and appropriate mitigation and abatement control plans to protect occupants of regulated facilities from lead hazards that may occur as a result of disturbed lead or generated as part of their lead work; 9) establishing record keeping requirements for licensed lead professionals and contractors; 10) clarifying the existing requirements for a licensed lead supervisor to oversee, manage and direct activities on lead mitigation and abatement projects; 11) clarifying existing requirements and standards for identification of lead, lead-bearing substances and lead hazards to be consistent with federal requirements; 12) establishing new regulations to be applied for fines and penalties applicable to licensed lead professionals, lead contractors and approved lead training course providers for violations of the Act or Code; and 13) establishing standards for administrative hearings.

- B) Statutory Authority: Sections 11.1, 11.2, 13 and 14 of the Illinois Lead Poisoning Prevention Act [410 ILCS 45]
- C) Schedule of meeting/hearing dates: Amendments will be reviewed by the State Board of Health. A public hearing will be scheduled during the first notice period of this rulemaking.
- D) Date agency anticipates First Notice: March 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister

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- G) Related rulemakings and other pertinent information: None
- r) Part (Heading and Code Citation): Local Health Protection Grant (77 Ill. Adm. Code 615)
- 1) Rulemaking:
- A) Description: These rules specify standards of eligibility and operation of food protection, potable water, private sewage disposal, and infectious disease programs for grants issued to local health departments. These amendments will change the training requirements for local health department food program personnel from every two years to every three years.
- B) Statutory Authority: Illinois Food, Drug, and Cosmetic Act [410 ILCS 60]
- C) Schedule of meeting/hearing date: The amendments will be reviewed by the State Board of Health on March 11, 2004 and by the Food Safety Advisory Committee on March 10, 2004.
- D) Date agency anticipates First Notice: Spring 2004
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will have no effect on small businesses, small municipalities, and not-for-profit corporations.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister

Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

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G) Related rulemakings and other pertinent information: None

s) Part (Heading and Code Citation): Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

1) Rulemaking:

- A) Description: This rulemaking will be a comprehensive review and revision of rules governing communicable disease reporting, surveillance, and control. This revision is necessary to ensure that the rules reflect current medical practices, are consistent with guidelines from the Centers for Disease Control and Prevention and reflect the most current version of materials incorporated in the rules.
- B) Statutory Authority: Implementing the Communicable Disease Reporting Act [745 ILCS 45], and implementing and authorized by the Department of Public Health Act [20 ILCS 2305]
- C) Schedule of meeting/hearing dates: The rulemaking will be reviewed by the State Board of Health prior to proposal.
- D) Date agency anticipates First Notice: Spring 2004
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None known at this time.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister

Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None

t) Part (Heading and Code Citation): Illinois Plumbing Code (77 Ill. Adm. Code 890)

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1) Rulemaking:

- A) Description: This rulemaking will be a revision and update of Illustrations in the Illinois Plumbing Code. Illustrations are used in the Code to support and aid in understanding of the written rules.
- B) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]
- C) Schedule of meeting/hearing dates: This rulemaking will be reviewed by the Plumbing Code Advisory Board.
- D) Date agency anticipates First Notice: March 2004
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: This rulemaking will have no impact on small business, small municipalities and not-for-profit corporations because the rulemaking makes no substantive changes.
- F) Information concerning this regulatory agenda shall be directed to:

Susan Meister

Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

- G) Related rulemakings and other pertinent information: None

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)], 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 \$5,000 against AmeriCorp Credit Corporation, License No. 5835 of Temecula, CA, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 13, 2003.

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)], 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 \$2,500 against Concorde Acceptance Corporation, License No. 5515 of Dallas, TX, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 13, 2003.

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)], 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 \$500 against LTL Financial Services, Inc., License No. 5544 of Olympia Fields, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 5, 2003.

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)], 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 \$500 against Capital Mortgage Services, License No. 4611 of Chicago, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 5, 2003.

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)], 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 \$500 against The Mortgage Exchange, License No. 4221 of Oakbrook Terrace, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 12, 2003.

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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)], 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 \$500 against Chicago Funding, Inc., License No. 4353 of Addison, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 12, 2003.

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)], 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 \$500 against Reserv Mortgage Corporation, License No. 4241 of Naperville, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 12, 2003.

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)], 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 \$500 against Draper & Kramer Mortgage Corp., License No. 4263 of Chicago, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 12, 2003.

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)], 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 \$500 against Platinum Home Mortgage Corporation, License No. 4152 of Rolling Meadows, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 12, 2003.

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)], 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 \$500 against Olympic Funding, License No. 6092 of Pleasanton, CA, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 12, 2003.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PUBLIC INFORMATION

ANNUAL PLAN OF THE ADVISORY COMMISSION

The Illinois Affordable Housing Act (310 ILCS 65/1 et seq. the "Act") established the Illinois Affordable Housing Program (the "Program") to provide affordable housing to low and very low income persons and families. The Act established the Illinois Affordable Housing Trust Fund (the "Trust Fund") within which is deposited 50% of the collections from the State real estate transfer tax. The Trust Fund monies fund the Program.

Funds are distributed and made available under the Program the Housing Trust Fund ("HTF") Program which has been in operation since the establishment of the Program provides subordinate gap financing or grants in a maximum amount of generally not to exceed \$750,000 per applicant per project. In 1994, the Authority created the Trust Fund Bond (TFB) Program. The TFB Program was created by leveraging Trust Fund monies to securitize and collateralize private taxable bond issues. The Bonds were sold in two funds. Funds from the sale of the bonds were then used to provide first mortgage loans to eligible developers of multi-family developments. No additional Bond sales are planned.

The Act creates an Advisory Commission (the "Commission") to advise the Illinois Housing Development Authority (the "Authority") as to the operation of the Program. The Act provides that the Commission carry out certain responsibilities, including, the development and publication of a plan. Section 17(a) of the Act requires the Commission to prepare and publish in the Illinois Register a plan which describes the available resources to the Program, the application process for the Program, and the initial priorities for expenditure of the available resources. Pursuant to Section 17(a) of the Act, the Advisory Commission to the Illinois Affordable Housing Program has prepared the following plan.

I. Available Resources

Based on a review of the Program and projections by the Illinois Department of Revenue, the monies available to be spent on the Program in fiscal year 2004 shall be approximately \$36 million. Of the total monies available, approximately \$5.3 million has been pledged to the TFB Program.

II. Application Process

The applicant must first complete an application form created by the Authority. The application requests, among other things, the following information:

- a. A general description of the proposed project.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PUBLIC INFORMATION

- b. The total number of units, total number of low and very low income units, unit size and mix, and the respective rents or purchase prices to be charged.
- c. A breakdown of the project budget's uses and sources.
- d. A development plan which outlines the project's completion schedule and identifies the project's participants and anticipated funding sources.
- e. The background, housing experience, and financial status of the applicant.

The Authority charges a \$525 application fee to non-profit organizations and \$750 to for-profits which must accompany the HTF application.

After the applicant submits the application, the Authority will review it to determine whether the project, as proposed, satisfies the purposes and requirements of the Act and the Rules promulgated thereunder. The Authority will notify the applicant within approximately 30 days if the application fails to meet these requirements. If the application meets these basic requirements the Authority staff, in cooperation with the applicant, will establish and obtain the additional information necessary to properly evaluate the project. The Authority staff will then analyze the project's feasibility. Based on this analysis, the Authority will make its recommendation to the Commission. Prior to the Commission review, the Authority will notify parties interested in the application, including local officials, of the details of the project. The recommendations of the Authority staff together with those of the Commission will then be presented to the Authority's Board of Directors (the "Board") for approval consideration. Upon approval by the Board, the Authority staff will deliver a conditional commitment to the applicant.

III. Priorities

The following statement represents the initial priorities for the evaluation of Program applications. The priorities and goals stated below represent guidelines to be followed in evaluating applications and are not intended to be exhaustive. The Commission may modify these priorities and goals as the Program evolves.

- a) Priority should be given to those HTF applications which demonstrate that the applicant has explored and exhausted other available public and private resources.
- b) Priority should be given to those projects which provide the most affordable housing for the longest period of time, with a goal of ensuring that some Trust Fund monies be directed to the lowest income population.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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- c) The Program should ensure an equitable distribution of Trust Fund monies across the State by establishing a goal of funding a proportionate number of units in the Chicago metropolitan area, other metropolitan areas and rural areas as compared to those area's percentage of State population.

EXECUTIVE ORDER

2003-19**EXECUTIVE ORDER TO ESTABLISH AN ILLINOIS HIPAA TASKFORCE**

WHEREAS, regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Pub. L. No. 104-191, became effective and enforceable this year;

WHEREAS, HIPAA directly impacts eleven state agencies, including the Department on Aging, the Department of Central Management Services, the Department of Children & Family Services, the Comprehensive Health Insurance Plan, the Department of Corrections, the Department of Human Services, the Department of Public Aid, the Department of Public Health, the Department of Revenue, the Department of Veterans' Affairs, and the Illinois Toll Highway Authority;

WHEREAS, HIPAA impacts many private interests in the healthcare community, including hospitals and health management organizations;

WHEREAS, HIPAA compliance requires analysis of whether Illinois laws are preempted by HIPAA and its corresponding regulations;

WHEREAS, a draft HIPAA preemption analysis was prepared by the State, reflecting the HIPAA regulations and Illinois laws in effect as of March 5, 2003;

WHEREAS, the task of analyzing which Illinois laws are preempted by HIPAA should be reexamined on a bi-annual basis to account for newly enacted state legislation;

WHEREAS, the private and public entities impacted by HIPAA have a mutual interest in formulating and updating a reliable preemption analysis;

WHEREAS, facilitating communication between public and private entities on HIPAA issues will increase efficiencies in HIPAA compliance by fostering a common understanding and interpretation of complex HIPAA issues.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Constitution of the State of Illinois, I hereby order the following:

CREATION OF HIPAA TASKFORCE

- A. I hereby establish a public/private HIPAA Taskforce (hereinafter "the Taskforce") as an advisory body, reporting to the Governor and his General Counsel.
- B. The Governor shall appoint a Chair to serve as the administrator of the Taskforce. The Chair shall report to the Governor's General Counsel on all activities of the Taskforce.
- C. The Taskforce shall consist of 15 members, including the following: six representatives from state agencies directly impacted by HIPAA; one representative from the Office of the Governor; one representative of an Illinois hospital or hospital association; and one representative of an Illinois health management organization. A representative from the Office of the Illinois Attorney General will also be invited to join the Taskforce.

EXECUTIVE ORDER

The remaining members shall be knowledgeable about HIPAA issues and/or employed in the healthcare field.

DUTIES OF THE HIPAA TASKFORCE

The Taskforce shall periodically revise, as appropriate, the draft preemption analysis previously prepared by the State based on a review of HIPAA and its corresponding regulations and the laws of the State of Illinois. The preemption analysis document, as periodically revised by the Taskforce, shall serve as an advisory document to assist all state agencies impacted by HIPAA with HIPAA compliance. Updated versions of the preemption analysis shall be made available for public review and comment on the State of Illinois' website.

On a bi-annual basis, the Taskforce shall update and revise the preemption analysis based on newly enacted state and federal laws and/or regulations.

The Governor or his designee may direct the Taskforce to address additional issues related to HIPAA-compliance.

SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any state or federal law.

SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

EFFECTIVE DATE

This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by Governor: December 31, 2003

Filed with Secretary of State: December 31, 2003

PROCLAMATIONS

2003-319**Postpartum Depression Month**

WHEREAS, the “baby blues” is an extremely common reaction occurring in women during the first few days after delivery. Usually appearing suddenly on the third or fourth day, it can affect up to 80 percent of women who have just given birth; and

WHEREAS, postpartum depression, a more serious reaction to childbirth, can occur in up to 20 percent of all new mothers. Postpartum depression symptoms can occur within days of the delivery or appear gradually, sometimes up to a year or so later; and

WHEREAS, a woman suffering from postpartum depression will usually experience several symptoms ranging from mild to severe; and

WHEREAS, Postpartum Obsessive-Compulsive Disorder (OCD) can also occur for the first time in women following childbirth. Women may have thoughts that are often scary and perceived as being out of character for the woman experiencing them; and

WHEREAS, Postpartum Psychosis (PPP) is the most severe and, fortunately, the rarest postpartum disorder, found in less than one percent of all new mothers. Symptoms for PPP include auditory hallucinations, hyperactivity and delusions; and

WHEREAS, treatment varies for disorders associated with depression after delivery, depending on the type and severity of symptoms. A woman experiencing any of the symptoms described should contact her health care professional:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as POSTPARTUM DEPRESSION MONTH in Illinois, and ask all citizens to recognize this serious and debilitating disorder that affects childbearing women and their families.

Issued by the Governor December 30, 2003.

Filed by the Secretary of State January 2, 2004.

2003-320**African American History Month**

WHEREAS, in 1915, Dr. Carter G. Woodson, a coal miner, teacher and author, founded the Association for the Study of Afro-American Life and History, Inc. in Chicago; and

WHEREAS, Dr. Woodson also initiated Negro History Week in 1926 to recognize the past and present contributions made by African Americans in the development of our city and country; and

WHEREAS, African American History Month is commemorated throughout the month of February in Illinois with seminars, storytelling, plays, concerts, music, dancing, art, films, family workshops and other expressions of creativity and pride; and

WHEREAS, Dr. Woodson’s dream for the Association was to achieve sociological and historical data, publish books, promote the study of Black History through clubs and schools and encourage racial harmony; and

PROCLAMATIONS

WHEREAS, African American History Month inspires all Americans to be more aware of African Americans and their expressions and achievements throughout society:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2004 as AFRICAN AMERICAN HISTORY MONTH in Illinois, and urge all citizens to take an active role in the events that are organized for this month.

Issued by the Governor December 30, 2003.

Filed by the Secretary of State January 2, 2004.

2003-321**Desert Storm Remembrance Day**

WHEREAS, over the years, millions of brave American men and women have answered the call to defend our country and to defend freedom and justice throughout the world. They have done so with an honor and distinction that merits the deepest appreciation from an entire nation; and

WHEREAS, thirteen years ago, American service men and women risked their lives in the Persian Gulf in performance of their military duties, some making the ultimate sacrifice during their service to protect the right of freedom; and

WHEREAS, the Illinois Department of Veterans' Affairs and various military veteran organizations have organized a Desert Storm Remembrance Ceremony to honor those who served their country during this conflict; and

WHEREAS, today, citizens of Illinois will gather in the State House on the 13th Anniversary of Operation Desert Storm to honor the brave military service personnel who served their country during this conflict:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28, 2004 as DESERT STORM REMEMBRANCE DAY in Illinois, and call upon the citizens of this great state to observe the day by pausing to remember those who served in Operation Desert Storm in an effort to secure the opportunity for people to be free from aggression against their way of life.

Issued by the Governor December 30, 2003.

Filed by the Secretary of State January 2, 2004.

2003-322**Financial Aid/Admissions Awareness Month**

WHEREAS, Illinois maintains a strong commitment to the intellectual growth and career development of its citizens; and

WHEREAS, Illinois has fostered the development of an impressive complement of public and private programs of higher education; and

WHEREAS, a network of student financial assistance programs consisting of grants, scholarships, loans and work study provides access to educational opportunities for thousands of citizens each year; and

PROCLAMATIONS

WHEREAS, the Illinois Student Assistance Commission's (ISAC) responsibilities include administering grant, scholarship and loan programs to boost awareness among parents, students and adult learners concerning college admissions and financial aid resources; and

WHEREAS, ISAC, the Illinois Association of Student Financial Aid Administrators, Inc. and the Illinois Association for College Admissions Counseling are conducting a series of informational programs to boost awareness among parents, students and adult learners concerning college admissions and financial aid resources; and

WHEREAS, ISAC, the state's student financial aid community, and the state's college admission community will assist families with the Free Application for Federal Student Aid (FAFSA) by providing 100 free FAFSA workshops, the most workshops ever, as a public service at various sites throughout Illinois during February. They will also provide a calendar of community programs and a wealth of college planning information for families with students of all ages via the internet at www.faam.org:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2004 as FINANCIAL AID/ADMISSIONS AWARENESS MONTH in Illinois.

Issued by the Governor December 30, 2003.

Filed by the Secretary of State January 2, 2004.

ILLINOIS ADMINISTRATIVE CODE

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