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DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
240.810	Amendment
240.920	Amendment
240.950	Amendment
- 4) Statutory Authority: 20 ILCS 105/4.01(11)
- 5) A Complete Description of the Subjects and Issues Involved:

Amendments are being proposed so the rules for the Community Care Program will reflect: the change in the name of the Department of Public Aid to the Department of Healthcare and Family Services as a result of Executive Order 2205-3; an increase in the asset level from \$12,500 to \$17,500 for eligibility determinations; and an increase in the spend down level from \$10,500 to \$15,500 for non-exempt assets owned by married couples for Medicaid enrollment.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
240.2020	Amendment	30 Ill. Reg. 9949; 6/2/06
240.2040	Amendment	30 Ill. Reg. 9949; 6/2/06
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

days after the date of publication of this Notice to:

George M. Sisk
General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, IL 62701-1789

217/785-3346

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Case Coordination Units
- B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting, bookkeeping, or other procedures are anticipated as a requirement for compliance under the Community Care Program.
- C) Types of professional skills necessary for compliance: No additional professional skills are anticipated as a requirement for compliance under the Community Care Program.

14) Regulatory Agenda on which this rulemaking was summarized: July 2006

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appears in this issue of the *Illinois Register* on page 11767:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Acquisition, Management and Disposal of Real Property
- 2) Code Citation: 44 Ill. Adm. Code 5000
- 3) Section Numbers: Proposed Action:
5000.610 Amendment
5000.720 Amendment
- 4) Statutory Authority: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500] Implementing and authorized by the Personnel Code [20 ILCS 415]
- 5) A Complete Description of the Subjects and Issues Involved: Currently, the Property Control Act requires State agencies to file an Annual Real Property Utilization Report with Central Management Services by October 30 each year. The corresponding rules required the report to be filed by July 30 of each year. The offered amendment will change the dates in the rule to Comply with the State Property Control Act.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
5000.900	Amendment	29 Ill. Reg. 18977; 11/28/05
5000.901	Amendment	29 Ill. Reg. 18977; 11/28/05
5000.902	Amendment	29 Ill. Reg. 18977; 11/28/05
5000.910	Amendment	29 Ill. Reg. 18977; 11/28/05
5000.920	Amendment	29 Ill. Reg. 18977; 11/28/05
5000.930	Amendment	29 Ill. Reg. 18977; 11/28/05
5000.940	Amendment	29 Ill. Reg. 18977; 11/28/05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

5000.950	Amendment	29 Ill. Reg. 18977; 11/28/05
5000.960	Amendment	29 Ill. Reg. 18977; 11/28/05
5000APPENDIX B	Amendment	29 Ill. Reg. 18977; 11/28/05

- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

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

217/785-1793
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: No
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because these amendments arose out of a recent audit finding that was not anticipated.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5000

ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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5000.960	Distribution of Leaflets and Solicitations of Funds, Voter Registration and Signatures
5000.970	Severability
5000.APPENDIX A	Space Standards
5000.APPENDIX B	Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 585, effective January 9, 1995; amended at 20 Ill. Reg. 15002, effective November 7, 1996; emergency amendment at 22 Ill. Reg. 12569, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20545, effective November 16, 1998; emergency amendment at 25 Ill. Reg. 15438, effective November 16, 2001, for a maximum of 150 days; emergency expired April 14, 2002; 26 Ill. Reg. 8083, effective May 17, 2002; amended at 27 Ill. Reg. 2105, effective January 27, 2003; emergency amendment at 29 Ill. Reg. 15686 effective November 17, 2004, for a maximum of 150 days; emergency expired April 15, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART F: EXCESS REAL PROPERTY

Section 5000.610 Reports of Excess Real Property

Excess real property shall be reported to CMSDCMS on the Annual Real Property Utilization Report Form by OctoberJuly 30 of each year. The annual report contains cumulative information for the fiscal year preceding the current OctoberJuly 30. Reports of excess real property are also to be submitted each month as property becomes available. Advance notice of property becoming excess should be given as soon as possible.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART G: SURPLUS REAL PROPERTY

Section 5000.720 Reporting Surplus Real Property

Each agency shall submit to CMSDCMS the Annual Real Property Utilization Report by OctoberJuly 30 of each year. The annual report contains cumulative information for the fiscal year preceding the due date. Reports of surplus real property are also to be submitted each month as surplus property becomes available. Advance notice of property becoming surplus should be given as soon as possible.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.88 Proposed Action:
New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements a portion of the requirements of Title III of the No Child Left Behind Act (Language Instruction for Limited English Proficient and Immigrant Students). Section 3122 of the Act requires each state agency receiving funding under Title III to develop "Annual Measurable Achievement Objectives" (AMAOs) that relate to the recipient children's development and attainment of English proficiency. These are required to include at least an objective addressing the percentage of students making progress toward proficiency in English, an objective addressing the percentage attaining proficiency, and an objective for making adequate yearly progress (AYP) with respect to students of limited English proficiency. Students' scores on the annual examination of English language proficiency will be used in determining whether the first two objectives have been met, while their scores on the State assessment are used for determining AYP.

A new Section 1.88 has been prepared for addition to the portion of Part 1 that sets out the statewide accountability framework. It should be noted, however, that these AMAOs will only apply to districts and cooperative entities that receive funding under Title III. The title of Section 1.88 reflects this limitation.

- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
1.77	New Section	30 Ill. Reg. 9951; 6/2/06
1.242	New Section	30 Ill. Reg. 9951; 6/2/06

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1.420	Amendment	30 Ill. Reg. 9951; 6/2/06
1.430	Amendment	30 Ill. Reg. 9951; 6/2/06
1.720	Amendment	30 Ill. Reg. 9951; 6/2/06

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

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

217/782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2006

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

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1.75	Student Information System
1.80	Academic Early Warning and Watch Status
1.85	School and District Improvement Plans; Restructuring Plans
<u>1.88</u>	<u>Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III</u>
1.90	System of Rewards and Recognition – The Illinois Honor Roll
1.95	Appeals Procedure
1.100	Waiver and Modification of State Board Rules and School Code Mandates

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1.220	Duties of Superintendent (Repealed)
1.230	Board of Education and the School Code (Repealed)
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 180 (Repealed)
1.260	Commemorative Holidays to be Observed by Public Schools (Repealed)
1.270	Book and Material Selection (Repealed)
1.280	Discipline
1.285	Requirements for the Use of Isolated Time Out and Physical Restraint
1.290	Absenteeism and Truancy Policies

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENT

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- 1.620 Accreditation of Staff (Repealed)
- 1.630 Noncertificated Personnel
- 1.640 Requirements for Different Certificates (Repealed)
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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

SUBPART G: STAFF QUALIFICATIONS

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- 1.710 Requirements for Elementary Teachers
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- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
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- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
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AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III

This Section implements section 3122 of the No Child Left Behind Act of 2001 (NCLB) (20 USC 6842), which requires that states establish "Annual Measurable Achievement Objectives" (AMAOs) for educational agencies that use funds provided under Title III of the Act to serve students of limited proficiency in English and hold those entities accountable for meeting those objectives. Further, this Section implements section 3113(b)(5) of NCLB (20 USC 6823), which requires states to hold local educational agencies and schools accountable for meeting all the objectives described in NCLB section 3122.

- a) The three distinct AMAOs address proficiency, progress, and adequate yearly progress (AYP), respectively, in connection with students taking the annual English language proficiency examination prescribed by the State Board of Education in 23 Ill. Adm. Code 228 (Transitional Bilingual Education). These

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objectives shall apply at the district or cooperative level, as applicable, i.e., based on the test scores achieved by all the students served by each entity that receives Title III funding. In order to "meet AMAOs" for any given year, a district or cooperative must achieve all of the applicable objectives described in this subsection (a).

- 1) "Proficiency" relates to the percentage of students who attained the score identified by the State Board of Education (ISBE) as demonstrating English language proficiency and eligibility to exit bilingual education. The Illinois annual proficiency objective shall be 10 percent. This objective shall apply provided that the number of students tested is no fewer than 30.
 - 2) "Progress" relates to the percentage of students whose scores on a given administration of the English language proficiency examination increased in comparison to their previous scores by at least .5 of a level of attainment on any one of the four domains (listening, speaking, reading, and writing). The Illinois annual progress objective shall be 85 percent and shall apply provided that the number of students tested is no fewer than 30. A student's score shall be counted for this purpose only if he or she has received two consecutive scores while being served by the same district or cooperative.
 - 3) "Adequate yearly progress" or "AYP" has the meaning given to that term in Section 1.40 of this Part, except that, for purposes of this Section, AYP is specific to the scores earned on the reading and mathematics portions of the State assessment by students with limited proficiency in English, to their participation in the State assessment, and to their attendance or graduation rate, as applicable. The AYP objective shall apply only when the number of students served is treated as a subgroup under Section 1.60(a) of this Part.
- b) In order to avoid penalizing districts and cooperatives for the decision bias that is associated with drawing inferences from a small distribution, a 95 percent "confidence interval" shall be applied to the data involved in each calculation discussed in subsection (a) of this Section. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)
- c) The scores of all students served by a cooperative shall be analyzed as one group for purposes of determining whether the cooperative has met AMAOs in a given

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year. The determination for a cooperative shall also apply to each of its member districts.

- d) Section 3122(b) of NCLB requires entities funded under Title III that fail to reach AMAOs for two consecutive years to prepare improvement plans designed to ensure that the entities will meet those objectives in the future. Each entity that is subject to this requirement shall submit its plan no later than six months after it receives notification from ISBE of its failure to meet AMAOs for the second consecutive year. Should a district or cooperative elect not to apply for Title III funding in the subsequent year, it shall be required to submit an improvement plan before it next applies, unless data on the performance of its students demonstrate that the entity met AMAOs in the most recent year preceding its new application for funding. ISBE shall not approve an application for Title III funds from an entity that is subject to this requirement until its plan has been submitted.
- e) When an entity funded under Title III has failed to reach AMAOs for four consecutive years, ISBE shall, as required by section 3122(b)(4) of NCLB:
- 1) require the entity to modify its curriculum, program, and method of instruction; or
 - 2) make a determination regarding the entity's continued receipt of funds under Title III and require the entity to replace educational personnel relevant to the entity's failure to meet the achievement objectives.
- f) The sanctions chosen pursuant to subsection (e) of this Section shall be identified based upon ISBE's analysis of the factors that prevented the entity from attaining the AMAOs, including those factors presented in the improvement plan submitted in accordance with subsection (d) of this Section. In particular, ISBE shall deny continued Title III funding to an entity that:
- 1) fails or refuses to serve students according to relevant legal and/or regulatory requirements; or
 - 2) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

(Source: Added at 30 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: New Teacher Induction and Mentoring
- 2) Code Citation: 23 Ill. Adm. Code 65
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
65.10	New Section
65.20	New Section
65.110	New Section
65.120	New Section
65.130	New Section
65.140	New Section
65.150	New Section
65.160	New Section
- 4) Statutory Authority: 105 ILCS 5/21A-35
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking responds to a line item appropriation received by ISBE in the FY 07 budget for the "Beginning Teacher Induction Pilot Program". This is a new initiative authorized under Article 21A of the School Code, which was enacted in 2003 to provide for statewide induction and mentoring programs but also permits competitive grant programs in any year when the appropriation is not sufficient for that purpose.

The purpose of the pilot program is to support and study induction program models that provide for intensive interaction between new teachers and the mentors with whom they are paired. Significant amounts of time are to be set aside for their work together, and structured opportunities for ongoing assessment, feedback, and professional development are involved. The rules establish requirements for the size of the group to be served, the minimum amount of time to be spent, and an individual induction plan for each of the beginning teachers. The remaining provisions are typical for competitive grant programs, consisting of the application procedure, review criteria, and basis for allocation of funds.
- 6) Will this rulemaking replace emergency rules currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No

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NOTICE OF PROPOSED RULES

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

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

217/782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for this rulemaking arose only with the outcome of the FY 2007 budget process.

The text of the Proposed Rules is identical to the text of the Emergency Rules that appear on page 11783.

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Technology Immersion Pilot Project
- 2) Code Citation: 23 Ill. Adm. Code 365
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
365.10	New Section
365.20	New Section
365.30	New Section
365.40	New Section
365.50	New Section
365.60	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.135
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking responds to a line item appropriation received by ISBE in the FY 07 budget under Section 2-3.135 of the School Code (Technology Immersion Pilot Project). This is a new initiative authorized under legislation enacted in 2004 to provide for the distribution of wireless laptop computers, associated hardware and software, and professional development. This is the first appropriation made under Section 2-3.135.

The statute provides for the selection of seven school districts as recipients of support under this program and for the selection of at least nine schools within those districts. One of the districts is to be located in the City of Chicago, with three of the others located in the balance of Cook County and the "collar" counties and the other three in the remainder of the state. The criteria for choosing among eligible entities are based upon the statute's directive to consider applicants' need for the pilot program, existing problems, and capacity.

The actual disbursement of grant funds to the chosen recipients is not foreseen. Rather, ISBE will be purchasing and distributing the laptop computers and other technological items to the recipients and entering into contracts as needed to ensure the appropriate maintenance and support. Similarly, uniform training for teachers and administrators will be identified and paid for by ISBE. It should be noted that these activities are subject to the Illinois Procurement Code and to ISBE's rules under that Code. They are therefore not discussed in these rules, which address only the competitive selection of recipients and their obligations under the program.
- 6) Will this rulemaking replace emergency rules currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent regulatory agendas because: The need for this rulemaking arose only with the outcome of the FY 2007 budget process.

The text of the Proposed Rules is identical to the text of the Emergency Rules that appear on page 11805.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Campaign Financing Act
- 2) Code Citation: 26 Ill. Adm. Code 100
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
100.10	Amendment
100.20	Amendment
100.110	Amendment
100.130	Amendment
100.160	Amendment
- 4) Statutory Authority: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].
- 5) A Complete Description of the Subjects and Issues Involved: The reason for this proposed rulemaking is to amend language in Section 100.130 that reflects recent changes in Article 9 at the Election Code that affect the requirements for ongoing nonprofit organization filers. The rule currently on file with the Secretary of State does not house these recent amendatory changes. Other sections within this Part that coincide with Section 100.130 have been included and amended in this proposed rulemaking.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain any incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendment does not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Steven S. Sandvoss, Deputy General Counsel

STATE BOARD OF ELECTIONS

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State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/557-9939

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: At the time of the publication of the regulatory agendas, the need for this rulemaking had not been anticipated.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 100

~~THE CAMPAIGN FINANCING ACT~~

Section	
100.10	Definitions
100.20	Official Forms
100.30	Forwarding of Documents (Repealed)
100.40	Vacancies in Office – Custody of Records
100.50	Multiple Filings by State and Local Committees
100.60	Filing Option for a Federal Political Committee
100.70	Reports of Contributions and Expenditures
100.80	Report Forms
100.90	Provision Circumvention
100.100	Proof of Identification; Application for Inspection and Copying (Repealed)
100.110	Loans by One Political Committee to Another
100.120	Receipt of Campaign Contributions
100.130	Reporting by Certain Nonprofit Not for Profit Organizations
100.140	Prohibited Contributions – State Property
100.150	Electronic Filing of Reports
100.160	Good Faith
100.170	Sponsoring Entity

AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 29 Ill. Reg. 18785, effective November 7, 2005; amended at 30 Ill. Reg. 10261, effective June 1, 2006; amended at 30 Ill. Reg. _____, effective _____.

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Section 100.10 Definitions

- a) Anything of Value
- 1) Reference: This Part interprets or applies Sections 9-1.4, 9-1.5 and 9-1.12 of the Election Code [10 ILCS 5/9-1.4, 9-1.5, 9-1.12].
 - 2) The term "anything of value", as used in Sections 9-1.4, 9-1.5 and 9-1.12 of the Act, includes all things, services or goods regardless of whether they may be valued in monetary terms according to ascertainable market value.
 - 3) "Anything of value" which does not have an ascertainable market value may be reported by describing the thing, services or goods contributed, however nothing in this subsection (a)(3) relieves a committee or a contributor of the duty to provide as accurate an assessment of value as possible.
 - 4) For purposes of reporting campaign receipts and expenses, income from investments shall be included as receipts during the reporting period they are actually received. The gross purchase price of each investment shall be reported as an expenditure at time of purchase. Net proceeds from the sale of an investment shall be reported as a receipt. During the period investments are held they shall be identified by name and quantity of security or instrument on each semi-annual report during the period. The value of each instrument as of the day the reporting period closes shall be included for each asset held as an investment.
 - 5) In addition to the items expressly excluded in the Act, the term "anything of value" shall not be deemed to include:
 - A) Any unreimbursed payments for travel or living expenses related to travel made by an individual who volunteers services on behalf of a candidate or political committee;
 - B) Any news story, commentary, endorsement or editorial of any broadcasting station, newspaper, magazine or other periodical publication;
 - C) Any regular publication by a membership organization, labor

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union or corporation to its officers, employees, members or stockholders, so long as the membership organization or corporation is not organized primarily for the purpose of influencing nomination for election, or election, of any candidate, or supporting or opposing any question or questions of public policy. However, publications of an extraordinary or special nature to support or oppose a candidate or candidates or a question or questions of public policy would constitute a campaign contribution or expenditure;

- D) The occasional use of real property for the purpose of conveying information to officers, employees, members or stockholders and their families of a person or whoever as defined in Section 9-1.6 of the Illinois Campaign Financing Act and as defined in Section 100.10(b) of ~~this Part~~~~these Rules and Regulations~~, including but not limited to the use of ~~thesueh~~ premises for the purpose of a candidate communicating directly with ~~such~~ officers, employees, members or stockholders and their families;
- E) Unrealized appreciation or loss of value of investments during the period they are held.

b) Assets

- 1) Reference: This definition of asset interprets or applies to Section 9-5 of the Election Code.
- 2) An asset is an item of property, other than cash or services, of whatever kind, tangible or intangible, that has either a fair market or salvage value in excess of \$150.

c) Candidate

- 1) Reference: This subsection ~~(c)~~ interprets or applies Section 9-1.3 of the Election Code.
- 2) "Candidate" as that term is defined in Section 9-1.3 of the Act [10 ILCS 5/9-1.3] shall include, but not ~~be limited to by way of limitation:~~

- A) A person who circulates or authorizes the circulation of

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nominating petitions on his behalf for public office;

- B) An individual who receives contributions or makes expenditures or gives consent for any other person to receive or make expenditures with a view to bringing about his nomination for election or re-election to any office;
- C) Any judicial incumbent who qualifies for retention.

d) Filing

1) To constitute a "filing" as used in the Act and ~~this Part in these Rules~~, the ~~statement~~Statement, ~~report~~Report or document must be in apparent and substantial conformity with the requirements of the Act. "Apparent and substantial conformity" requires that the filing contain the following:

~~A1)~~ The signature of the person making the filing;

~~B2)~~ Completion of all applicable sections of the report; and

~~C3)~~ Attachment of all appropriate schedules.

2) Inadvertent error or omission of a de minimus nature in the completion of report, statement or document shall not be deemed to a "willful failure to file or a willful filing of false or incomplete information" pursuant to Section 9-26 of the Act.

e) Statement of Organization

1) Reference: This provision interprets ~~Sections~~Section 9-3 ~~and 9-7.5~~ of the Election Code [10 ILCS 5/9-3 ~~and 9-7.5~~].

2) A committee officer must, in filling out the Form D-1, use the name ~~that~~which appears on his or her birth certificate, baptismal record, voter's registration card, statement of candidacy or nominating petition, or any other name by which the officer is commonly known in the community in which the officer resides. Aliases created for the purpose of filing under Article 9 of the Election Code may not be used.

f) Person or Whoever

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- 1) Reference: This subsection [\(f\)](#) interprets or applies Section 9-1.6 of the Election Code.
 - 2) The terms "other organizations" and "groups of persons" as defined in Section 9-1.6 of the Act shall include, but not ~~be limited to, by way of limitation:~~ all ~~for-profit and not-for-profit~~ corporations, labor unions, trade associations or other such groups, religious organizations, fraternal societies, luncheon and dinner organizations, unless any of these groups, other than labor unions, are nonprofit organizations as defined in subsection (i) and Section 100.130.
- g) Political Committee
- 1) Reference: This subsection [\(g\)](#) interprets or applies Section 9-1.9 of the Election Code.
 - 2) A person or whoever, as defined in ~~Section 9-1.6 of the Election Code~~ ~~the Illinois Campaign Financing Act, Section 9-1.6~~ [10 ILCS 5/9-1.6] and as defined in ~~subsection~~ ~~Section 100.10~~ (b) ~~of this Part~~ does not qualify as a political committee pursuant to ~~Article 9 of the Election Code~~ ~~the Illinois Campaign Financing Act~~ by simply making a contribution from his or her personal income or profits regardless of the amount of the donations.
 - 3) If a person or whoever solicits or receives funds for political purposes or acts as a conduit for political funds, he or she would, in fact, become a political committee and have to comply with all provisions of ~~Article 9 of the Election Code~~ ~~the Illinois Campaign Financing Act~~.
- h) Signature
- 1) Reference: This subsection [\(h\)](#) interprets or applies to Sections 9-4, [9-7.5](#), 9-12 and 9-14 of the Election Code.
 - 2) The term "signature" or "signed" as used in Article 9 of the Election Code, and as used in the rules and regulations implementing the Election Code, includes electronic signatures attached and made a part of electronic records submitted to the State Board of Elections pursuant to Section 9-28 of the Election Code.

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- i) "Labor Union" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of bargaining with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- j) "Nonprofit Organization" means any organization that is organized on a nonprofit basis that is on file or should be on file with the Business Service Division of the Illinois Secretary of State as required by the General Not-For-Profit Corporation Act of 1980 [805 ILCS 105], a not-for-profit corporation as defined under section 501 of the Internal Revenue Code (26 USC 501), organization as defined in section 527 of the Internal Revenue Code (26 USC 527), or organization registered with the Charitable Trust Bureau of the Attorney General's Office (see 760 ILCS 55). Nonprofit organization also applies to any out-of-state organization meeting its state's requirements.
- k) "Original Source of Money" means a contributor who makes a contribution directly to the nonprofit organization as defined in Section 9-1.4 of the Election Code.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 100.20 Official Forms

- a) Reference: This Section interprets or applies Sections 9-7.5, 9-10(a) and 9-15(1) of the Election Code.
- b) Political committees are required to use only the official forms or photostatic copies of official forms and appropriate schedules approved by the State Board of Elections when filing any disclosure reports, except as otherwise permitted under Section 100.80. Alternative methods of reporting are prohibited unless prior written approval has been received by the political committee from the State Board of Elections. Prior written approval will be given based on the compatibility of alternative methods with the Board's present system.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 100.110 Loans by One Political Committee to Another

- a) If a political committee lends or donates funds to a second political committee

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while the lending or donating committees owes the State Board of Elections a civil penalty assessed under the provisions of Section 9-7.5, 9-10, 9-23, or 9-26 of the Election Code [10 ILCS 5/9-7.5, 9-10, 9-23, 9-26], the officers of the lending committee shall be jointly and severally personally liable to the extent allowed by law for payment of the civil penalty to the extent of the funds loaned or given.

- b) If a political committee goes out of existence while it owes the State Board of Elections a civil penalty assessed under Section 9-7.5, 9-10, 9-23, or 9-26 of the Election Code [10 ILCS 5/9-7.5, 9-10, 9-23, 9-26], any political committee formed within 24 months from the date of the final order imposing a civil penalty assessment on the first committee and composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the first committee, shall be deemed a successor committee and shall be responsible for payment of the civil penalty of the first committee.
- c) A political committee ~~that~~which seeks to go out of existence while it is owed money by another political committee must first forgive the debt of the debtor political committee and must amend its reports to show the forgiven debt as a contribution to the debtor committee.
- d) If a political committee seeks to go out of existence after a civil penalty has been imposed upon it pursuant to the Election Code and the rules promulgated under the Election Code~~thereunder~~, or if a civil penalty has been assessed by Board staff and such a proceeding is begun or about to begin, the political committee must first pay ~~the~~such civil penalty, or if it lacks sufficient funds to pay ~~the~~such civil penalty in full, pay ~~over~~ to the State Board of Elections such sums as it has in its treasury in satisfaction of the civil penalty. Only upon ~~such~~ payment of the civil penalty, either in full or in part, as the case may be, shall the committee be permitted to exit the reporting system established by Article 9 of the Illinois Election Code [10 ILCS 5/Art. 9].

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 100.130 Reporting by Certain Nonprofit~~Not-for-Profit~~ Organizations

- a) A nonprofit~~not-for-profit~~ organization operating in Illinois is required to submit financial reports to the State Board of Elections if it:
- 1) is not a labor union;

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- 2) ~~is registered under the Lobbyist Registration Act, or engages any person, whether paid or not, for lobbying purposes who is registered under the Lobbyist Registration Act;~~
 - 2)3) has not established a political committee; and
 - 3)4) accepts or spends more than \$5000 in any 12-month period ~~in per year~~ the aggregate ~~on both~~:
 - A) supporting or opposing candidates for public office or questions of public policy that are to appear on a ballot at an election; and or
 - B) ~~for electioneering communications influencing legislative, executive, or administrative action as defined in the Lobbyist Registration Act.~~
- b) Except as provided in subsection (g), each nonprofit organization required to register under Section 9-7.5 of the Election Code [10 ILCS 5/9-7.5] shall file pre-election reports of contributions and semi-annual reports of contributions and expenditures at the same times, covering the same reporting periods and containing the same information regarding contributors and recipients of expenditures as required of political committees pursuant to Section 9-10 of the Code. Nonprofit organizations shall be subject to the same civil penalties as political committees for the delinquent filing or non-filing of the reports as set forth in Section 9-10 of the Election Code and 26 Ill. Adm. Code 125.425. Each nonprofit organization:
- 1) must file all required reports with the State Board of Elections;
 - 2) is not required to report donations of more than \$500 on a Schedule A-1 within the 30-day period prior to an election; and
 - 3) shall designate a chairman and treasurer who shall constitute the principal officers as required in Section 9-7.5(a)(3) of the Election Code.
- c) Nonprofit organizations may cease filing disclosure reports with the Board if they:
- 1) have filed two consecutive semi-annual reports in which they have not

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- made any contributions or expenditures that supported or opposed any candidate or referenda, or made any electioneering communications;
- 2) have determined they will no longer make any contributions or expenditures to support or oppose any candidate or referenda, or for electioneering communications; and
- 3) have submitted a letter informing the State Board of Elections that they will no longer function as a nonprofit political organization as defined in Section 9-7.5 of the Election Code.
- d) To comply with the specific reporting provisions of Section 9-7.5(b) of the Election Code, nonprofit organizations may establish a separate nonprofit political committee whose exclusive function is to receive or make contributions and/or make expenditures to support or oppose candidates or questions of public policy. To facilitate this option, nonprofit organizations shall create a separate segregated fund in which contributions shall be deposited or made as defined in Section 9-1.4 of the Election Code and from which expenditures shall be dispersed as defined in Section 9-1.5 of the Election Code. If a nonprofit organization chooses this option, the disclosure of any deposits of money into the segregated fund shall report the original source of the money and not the name of the nonprofit organization.
- e)b) Reports containing the information required by statute shall be submitted on forms designed and supplied by the State Board of Elections or upon computer-generated forms conforming to those designed by the State Board of Elections. Pursuant to Section 9-28 of the Election Code, each nonprofit organization that exceeds the threshold of \$10,000 must continue to report electronically until it dissolves.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 100.160 Good Faith

- a) For purposes of this Section, "contributor" includes the terms "lender" and "endorser". A committee acts in good faith under 10 ILCS 5/9-7.5, 9-11, 9-12, 9-13, and 9-14 if:
- 1) its written solicitation for funds includes a clear written request for the name of the contributor's employer and the occupation of the contributor;

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 2) in the event it receives a contribution lacking the name of the contributor's employer and occupation of the contributor in circumstances in which ~~the where such~~ information is required, it makes at least one effort to obtain the missing information; and
 - 3) in the event its request for information is unanswered, the committee includes in its report the best and most current information it may have from whatever source, including its own records and earlier reports, about the name of the contributor's employer and the occupation of the contributor.
- b) The request shall appear in a clear and conspicuous manner on any response material contained in the solicitation.
 - c) An effort to obtain missing information must ~~either~~ be in writing, or be made orally and oral documented by writing a writing, and must be made on or before the close of the reporting period in which the contribution or loan was received. The request must clearly ask for the missing information and must contain no other language except thanks to the contributor or lender for the contribution or loan. If the request is in writing, it must be accompanied by a pre-addressed return postcard or envelope.
 - d) If the name of the employer of a contributor that is required to be reported under Article 9 of the Election Code is unknown at the time the contribution must be reported and, a good faith effort has having been made to secure that such information, the contribution may be reported without the information. However, if the omitted information subsequently becomes known to the committee, the report that omits the information must be amended to add the information.
 - e) For the purpose of this Section, "employer" includes all natural and non-natural persons, including but not limited to corporations, partnerships and unincorporated associations.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Number: Proposed Action:
201.501 New Section
- 4) Satutory Authority: Implementing Sections 10, 39, 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is based on a proposal filed on June 20, 2006, by the Illinois environmental Protection Agency (Agency). The Board has granted the Agency's request to expedite consideration of this proposal, and has authorized this publication of the proposal as submitted by the Agency. In so doing, the Board makes no comment on the merits of the proposal. This is explained in greater detail in the Board's opinion and order, available from the address in item 12 below, in "In the Matter of: Amendments to 35 Ill. Adm. Code 201 (New Section 201.501 PSD Construction Permits), R06-27 (June 22, 2006).

The amendments seek to add a new Section to the Board's air regulations that would eliminate an automatic 30-day stay of the effectiveness of prevention of significant deterioration of air quality (PSD) permits. The amendments propose to add a new Subpart M to Part 201, the Board's general permit provisions. The proposed new Section 201.501 in effect provides that PSD permits are effective upon issuance a) unless the permit states otherwise by its terms, or b) an appeal has been filed and a stay of the permit has been granted.

In its Statement of Reasons that accompanied the proposal the Agency asserted that the PSD provisions of the Clean Air Act, 42 USC 7401 et seq., were enacted in 1977 to regulate new major stationary sources and major modifications to existing sources. The PSD program applies in areas in the country that are deemed to be attainment or unclassifiable with respect to national ambient air quality standards (NAAQS). The Agency administers the PSD program through a delegation agreement with the United States Environmental Protection Agency (USEPA). PSD involves a preconstruction permitting process in which an applicant for a major new source or modification must submit a permit application prior to commencing construction that demonstrates that emissions from the proposed facility will not cause or contribute to an exceedance of any applicable NAAQS or air quality increment, and that the proposed facility will employ the Best Available Control Technology for all pollutants for which the source is major.

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The Agency stated that an appeal of the PSD permit issued in Illinois is subject to the procedural requirements of the federal regulations at 40 CFR Part 124, which provide that final permits decisions are automatically stayed for 30 days after issuance. This rulemaking proposes to eliminate the automatic 30-day stay, thereby "leveling the playing field" between Illinois and surrounding states that have approved programs without the automatic stay. The Agency's goal is to remove an economic disincentive to new development while not causing any adverse impact to the environment.

- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2004)].
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking: The Board is currently in the process of scheduling hearings in this rulemaking. The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R06-27 and be addressed to:

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

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

For more information contact John Knittle at 217/278-3111 or email at knittlej@ipcb.state.il.us.

POLLUTION CONTROL BOARD

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking could impact any small business, small municipality, or not-for-profit corporation that either applies for or appeals a PSD permit.
 - B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not propose any additional reporting or bookkeeping requirements.
 - C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control regulations applicable to affected sources will be required.
- 14) Reason this rulemaking was not included on the most recent regulatory agenda: The Board did not receive an indication from the Agency at the time that the January regulatory agenda was compiled that this rulemaking would be proposed this year.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONSPART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	
201.101	Other Definitions
201.102	Definitions
201.103	Abbreviations and Units
201.104	Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section	
201.121	Existence of Permit No Defense
201.122	Proof of Emissions
201.123	Burden of Persuasion Regarding Exceptions
201.124	Annual Report
201.125	Severability
201.126	Repealer

SUBPART C: PROHIBITIONS

Section	
201.141	Prohibition of Air Pollution
201.142	Construction Permit Required
201.143	Operating Permits for New Sources
201.144	Operating Permits for Existing Sources
201.146	Exemptions from State Permit Requirements
201.147	Former Permits
201.148	Operation Without Compliance Program and Project Completion Schedule
201.149	Operation During Malfunction, Breakdown or Startups
201.150	Circumvention
201.151	Design of Effluent Exhaust Systems

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SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	
201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
201.156	Conditions
201.157	Contents of Application for Operating Permit
201.158	Incomplete Applications
201.159	Signatures
201.160	Standards for Issuance
201.161	Conditions
201.162	Duration
201.163	Joint Construction and Operating Permits
201.164	Design Criteria
201.165	Hearings
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
201.170	Portable Emission Units

SUBPART E: SPECIAL PROVISIONS FOR OPERATING
PERMITS FOR CERTAIN SMALLER SOURCES

Section	
201.180	Applicability (Repealed)
201.181	Expiration and Renewal (Repealed)
201.187	Requirement for a Revised Permit (Repealed)

SUBPART F: CAAPP PERMITS

Section	
201.207	Applicability
201.208	Supplemental Information
201.209	Emissions of Hazardous Air Pollutants
201.210	Categories of Insignificant Activities or Emission Levels
201.211	Application for Classification as an Insignificant Activity
201.212	Revisions to Lists of Insignificant Activities or Emission Levels

POLLUTION CONTROL BOARD

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SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND
PROJECT COMPLETION SCHEDULES

Section	
201.241	Contents of Compliance Program
201.242	Contents of Project Completion Schedule
201.243	Standards for Approval
201.244	Revisions
201.245	Effects of Approval
201.246	Records and Reports
201.247	Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section	
201.261	Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
201.262	Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
201.263	Records and Reports
201.264	Continued Operation or Startup Prior to Granting of Operating Permit
201.265	Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section	
201.281	Permit Monitoring Equipment Requirements
201.282	Testing
201.283	Records and Reports

SUBPART K: RECORDS AND REPORTS

Section	
201.301	Records
201.302	Reports

POLLUTION CONTROL BOARD

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SUBPART L: CONTINUOUS MONITORING

Section	
201.401	Continuous Monitoring Requirements
201.402	Alternative Monitoring
201.403	Exempt Sources
201.404	Monitoring System Malfunction
201.405	Excess Emission Reporting
201.406	Data Reduction
201.407	Retention of Information
201.408	Compliance Schedules

SUBPART M: PREVENTION OF SIGNIFICANT
DETERIORATION (PSD) CONSTRUCTION PERMITS

Section201.501 PSD Construction Permits

201.APPENDIX A	Rule into Section Table
201.APPENDIX B	Section into Rule Table
201.APPENDIX C	Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R06-27 at 30 Ill. Reg. _____, effective _____.

POLLUTION CONTROL BOARD

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SUBPART M: PREVENTION OF SIGNIFICANT
DETERIORATION (PSD) CONSTRUCTION PERMITSSection 201.501 PSD Construction Permits

- a) This Section relates to any final permit decision by the Agency relating to a Prevention of Significant Deterioration (PSD) construction permit issued pursuant to Sections 9.1 and 39 of the Act implementing section 165 of the Clean Air Act.
- b) Notwithstanding the provisions of 40 CFR 124.15(b), a final PSD construction permit shall become effective on the date of issuance unless otherwise stated in the final permit. However, any person with standing in accordance with 40 CFR 124.19 may seek to file an appeal with the United States Environmental Protection Agency's Environmental Appeals Board and may request a stay of the permit.
- c) This Section applies to permits issued on or after the effective date of the approval of this Subpart as part of Illinois' State Implementation Plan under the Clean Air Act.

(Source: Added at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2430 Proposed Action:
New Section
- 4) Statutory Authority: 35 ILCS 5/203
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the provisions in Public Act 93-840 disallowing deductions for interest and intangible expenses incurred in transactions between the taxpayer and a person who would be included in the same unitary business group with the taxpayer if that person conducted more than 20% of its business activities within the United States.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.2580	Amendment	30 Ill. Reg. 6303; 4/14/06
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office

DEPARTMENT OF REVENUE

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101 West Jefferson
Springfield, Illinois 62794

(217) 524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses that have foreign affiliates may be subject to the expense disallowance provisions implemented in this rulemaking. Municipalities and not-for-profit corporations are not affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA 212)

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

Section

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

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

Section

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

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

Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

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

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

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

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

Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3015 Business Income Election (IITA Section 1501)
- 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

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Section

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

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

Section

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

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

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

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

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Section

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

SUBPART O: COMPOSITE RETURNS

Section

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

SUBPART P: COMBINED RETURNS

Section

100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

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SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

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

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

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

SUBPART S: INFORMATION STATEMENT

Section

100.7200	Reports for Employee (IITA Section 703)
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SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)
100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340	Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

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

SUBPART V: NOTICE AND DEMAND

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

SUBPART W: ASSESSMENT

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

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

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

SUBPART Y: CREDITS AND REFUNDS

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

SUBPART Z: INVESTIGATIONS AND HEARINGS

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

SUBPART AA: JUDICIAL REVIEW

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Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

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

SUBPART CC: LETTER RULING PROCEDURES

Section
100.9800 Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

Section
100.9900 Tax Shelter Voluntary Compliance Program

100.APPENDIX A Business Income Of Persons Other Than Residents
100.TABLE A Example of Unitary Business Apportionment
100.TABLE B Example of Unitary Business Apportionment for Groups Which
Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg.

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685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at

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28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended at 30 Ill. Reg. _____, effective _____.

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

Section 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies

- a) For taxable years ending on or after December 31, 2004, IITA Section 203 (as amended by Public Act 93-0840) requires a taxpayer, in computing base income, to add back deductions allowed in computing federal taxable income or adjusted gross income for interest expenses and intangible expenses incurred in transactions with a person who would be a member of a unitary business group with the taxpayer, if not for the 80-20 test. Public Act 93-0840 also amended IITA Section 203 to allow subtraction modifications that would insure that the addition modifications do not result in double taxation, and to provide exceptions in instances in which requiring the addition modifications would not be appropriate.
- b) Definitions
- 1) Dividend Included in Base Income. "Dividend" means any item defined as a dividend under 26 USC 316 and any other item of income characterized or treated as a dividend under the Internal Revenue Code, and includes any item included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code. (IITA Section 203(a)(2)(D-17) and (D-18), (b)(2)(E-12) and (E-13), (c)(2)(G-12) and (G-13), and (d)(2)(D-7) and (D-8)) A dividend is included in base income of a taxpayer only to the extent the dividend is neither deducted in computing the federal taxable or adjusted gross income of the taxpayer nor subtracted

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from federal taxable income or adjusted gross income under IITA Section 203.

- 2) Foreign Person. A "foreign person" is any person who would be included in a unitary business group with the taxpayer if not for the fact that 80% or more of that person's business activities are conducted outside the United States. (IITA Section 1501(a)(30))
- 3) Interest. "Interest" means "compensation for the use or forbearance of money". (See Deputy v. du Pont, 308 U.S. 488, 498 (1940).) Interest includes the amortization of any discount at which an obligation is purchased and is net of the amortization of any premium at which an obligation is purchased.
- 4) Intangible Expense. "Intangible expense" includes *expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; losses incurred, directly or indirectly, from factoring transactions or discounting transactions; royalty, patent, technical, and copyright fees; licensing fees; and other similar expenses and costs.* (IITA Section 203(a)(2)(D-18), (b)(2)(E-13), (c)(2)(G-13) and (d)(2)(D-8))
- 5) Intangible Income. "Intangible income" means the income received or accrued by a person from a transaction that generates intangible expense for the other party to the transaction.
- 6) Intangible Property. "Intangible property" includes *patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.* (IITA Section 203(a)(2)(D-18), (b)(2)(E-13), (c)(2)(G-13) and (d)(2)(D-8))
- 7) Related Party. "Related parties" means persons disallowed a deduction for losses by section 267(b), (c) and (f) of the Internal Revenue Code, as well as a partner and its partnership and each of the other partners in that partnership.

c) Addition Modifications

- 1) Interest. Except as otherwise provided in this subsection (c)(1), every taxpayer must add back to its base income any deduction otherwise

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allowed in the taxable year for interest paid to a foreign person, to the extent **the** interest exceeds the amount of dividends received from the foreign person by the taxpayer and included in base income for the same taxable year. (IITA Section 203(a)(2)(D-17), (b)(2)(E-12), (c)(2)(G-12), and (d)(2)(D-7)). This addition modification shall not apply to an item of interest expense if:

- A) The foreign person is subject in a foreign country or state, other than a state **that** requires mandatory unitary reporting by the taxpayer and the foreign person, to a tax on or measured by net income with respect to **the** interest. If the foreign person is a partnership, Subchapter S corporation or trust, the foreign person is subject to a tax on or measured by net income with respect to **the** interest to the extent that **the** interest is included in the tax base of a partner, shareholder or beneficiary who is subject to a tax on or measured by net income in a foreign country or state.
- B) The taxpayer can establish, based on a preponderance of the evidence, both of the following:
- i) the foreign person, during the same taxable year, paid, accrued, or incurred the interest to a person that is not a related party; and
 - ii) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arms-length interest rate and terms.
- C) The taxpayer can establish, based on clear and convincing evidence, that the item of interest relates to a contract or agreement entered into at arms-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance.
- D) The taxpayer establishes by clear and convincing evidence that the adjustment would be unreasonable.

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E) The taxpayer has received permission under Section 100.3390 of this Part to use an alternative method of apportionment allowing the deduction of the item.

2) Intangible Expenses. Except as otherwise provided in this subsection (c)(2), every taxpayer must add back to its base income any deduction otherwise allowed in the taxable year for intangible expenses incurred with respect to transactions with a foreign person, to the extent the intangible expenses exceed the amount of dividends received from the foreign person by the taxpayer and included in base income for the same taxable year. If a taxpayer incurs both interest and intangible expenses with the same foreign person, any dividends received from that foreign person shall be applied first against interest under subsection (c)(1) and only the excess (if any) of the dividends over the interest expenses shall be applied against intangible expenses under this subsection (c)(2). (IITA Section 203(a)(2)(D-18), (b)(2)(E-13), (c)(2)(G-13) and (d)(2)(D-8)) This addition modification shall not apply to an item of intangible expense if:

A) The item arises from a transaction with a foreign person who is subject in a foreign country or state, other than a state that requires mandatory unitary reporting by the taxpayer and the foreign person, to a tax on or measured by net income with respect to the intangible income related to the item. If the foreign person is a partnership, Subchapter S corporation or trust, the foreign person is subject to a tax on or measured by net income with respect to the intangible income to the extent that the intangible income is included in the tax base of a partner, shareholder or beneficiary who is subject to a tax on or measured by net income in a foreign country or state.

B) The taxpayer can establish, based on a preponderance of the evidence, both of the following:

i) the foreign person during the same taxable year paid, accrued, or incurred the intangible expense to a person that is not a related party; and

ii) the transaction giving rise to the intangible expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax,

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and is paid pursuant to a contract or agreement that reflects arms-length terms.

C) If the taxpayer establishes, by clear and convincing evidence, that the adjustments are unreasonable.

D) The taxpayer has received permission under Section 100.3390 of this Part to use an alternative method of apportionment, allowing the deduction of the item.

d) Subtraction Modifications.

- 1) Interest Income of a Foreign Person. If interest paid to a foreign person is added back by a taxpayer under subsection (c)(1), the foreign person is allowed a subtraction for the amount of that interest included in its base income for the taxable year, net of deductions allocable to that income. The subtraction under this subsection (d)(1) shall not exceed the amount of the corresponding addition under subsection (c)(1). (IITA Section 203(a)(2)(CC), (b)(2)(V), (c)(2)(T), and (d)(2)(Q))
- 2) Intangible Income of a Foreign Person. If intangible expense incurred in a transaction with a foreign person is added back by a taxpayer under subsection (c)(2), the foreign person is allowed a subtraction for the amount of the intangible income from that transaction included in its base income for the taxable year, net of deductions allocable to that income. The subtraction under this subsection (d)(2) shall not exceed the amount of the corresponding addition under subsection (c)(2). (IITA Section 203(a)(2)(CC), (b)(2)(V), (c)(2)(T), and (d)(2)(Q))
- 3) Interest Income from a Foreign Person. A taxpayer who receives interest income from a foreign person is allowed a subtraction for the amount of that interest income, net of deductions allocable to that income. The subtraction allowed in this subsection (d)(3) for a taxable year may not exceed the amount of the addition modification for the taxable year under subsection (c)(1) for interest paid by the taxpayer to the foreign person. (IITA Section 203(a)(2)(DD), (b)(2)(W), (c)(2)(U), and (d)(2)(R))
- 4) Intangible Income from a Foreign Person. A taxpayer who receives intangible income from a transaction with a foreign person is allowed a subtraction for the amount of the intangible income, net of deductions

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allocable to that income. The subtraction allowed in this subsection (d)(3) for the taxable year may not exceed the amount of the addition modification for the taxable year under subsection (c)(2) for intangible expenses incurred by the taxpayer in transactions with the foreign person. (IITA Section 203(a)(2)(EE), (b)(2)(X), (c)(2)(V), and (d)(2)(S))

- e) Unitary Business Groups. The provisions of this Section apply both to persons who are members of a unitary business group and to persons who are not members of a unitary business group because of the application of the 80-20 rule or of the prohibition in IITA Section 1501(a)(27) against including in a single unitary business group taxpayers using different apportionment formulas under IITA Section 304(a) through (d). In applying the provisions of this Section in the case of a unitary business group, any reference to the "taxpayer" in this Section shall be deemed to refer to the unitary business group.

(Source: Added at 30 Ill. Reg. _____, effective _____)

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

<u>Section Number:</u>	<u>Proposed Action:</u>
1010.240	Amendment
1010.245	Amendment
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Section 1010.240 will include "retail merchants" as eligible vendors and processors of registration plates and/or stickers. Retail merchants will provide this service in addition to financial institutions, which are already authorized under the stipulations of this rulemaking and at the discretion of the Secretary of State.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1010.105	New Section	29 Ill. Reg. 20338; 12/16/05
1010.180	Amendment	29 Ill. Reg. 20338; 12/16/05
1010.185	Amendment	29 Ill. Reg. 20338; 12/16/05
1010.220	Amendment	29 Ill. Reg. 20338; 12/16/05
- 11) Statement of Statewide Policy Objective: The proposed amendment do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web

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site, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to the:

Secretary of State
Office of the General Counsel
Nathan Maddox, Senior Legal Advisor
298 Howlett
Springfield, IL 62701

217/785-3094

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

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

- Section
- 1010.10 Owner – Application of Term
- 1010.20 Secretary and Department

SUBPART B: TITLES

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

SUBPART C: REGISTRATION

- Section
- 1010.210 Application for Registration
- 1010.220 Vehicles Subject to Registration – Exceptions
- 1010.230 Refusing Registration or Certificate of Title
- 1010.240 Registration Plates To Be Furnished ~~by the~~By The Secretary of State
- 1010.245 Electronic Registration and Titling (ERT) Program Provisions
- 1010.250 Applications For Reassignment

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SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section

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

SUBPART E: SPECIAL PERMITS AND PLATES

Section

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

SUBPART F: FEES

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Section

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

SUBPART G: MISCELLANEOUS

Section

1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section

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

1010.APPENDIX A	Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B	International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

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

SUBPART C: REGISTRATION

Section 1010.240 Registration Plates To Be Furnished ~~by the~~By ~~The~~ Secretary of State

a) General Provisions

- 1) The Secretary of State may issue registration plates and/or stickers at facilities and offices maintained by the Secretary of State ~~him~~ in Springfield, Chicago, or at ~~such~~ other locations ~~as he may establish~~.

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- 2) In addition, the Secretary of State may, in his or her discretion, cause registration plates and/or stickers to be issued by financial institutions or retail merchants, and applications for renewal of registrations for such vehicles as the Secretary of State may designate to be received and processed for transmittal to the Secretary of State by the financial institutions or retail merchants. For that purpose, the Secretary of State may deposit Illinois registration plates and/or stickers with ~~thesuch~~ financial institutions or retail merchants. In addition, the Secretary may cause registration plates and stickers to be issued pursuant to Section 1010.245 of this Part and may cause registration renewal stickers to be issued by retail merchants.
 - 3) The Secretary may further cause registration and title applications to be serviced and remitted by licensed remittance agents to the Secretary of State, as provided in the Vehicle Code.
 - 4) The term "financial institution", for the purposes of this Part, shall mean any federal or state chartered bank, savings and loan, credit union, armored carrier, and any currency exchange either directly or indirectly through an armored carrier. The term shall also include insurance companies and licensees under the Sales Finance Agency Act [205 ILCS 660] and the Consumer Installment Loan Act [205 ILCS 670]. The term "retail merchant", for the purposes of this Part, shall mean a business that is engaged in the sale of goods or services to the general public and that has one or more permanently established places of business in Illinois.
 - 5) The Secretary may, in his or her discretion, cause registration plates and stickers to be issued by motor vehicle dealers. However, motor vehicle dealers shall only issue registration plates and stickers or renew vehicle registrations in the course of transactions involving the sale or lease of vehicles.
- b) Application for Participation in the Over-The-Counter Sales Program
- 1) The Secretary of State shall accept the application of any financial institution or retail merchant~~Financial Institution~~ to participate in the over-the-counter program, if the Secretary of State makes a determination that the establishment of the institution or retail merchant in the program will provide a beneficial service to the general public and will; be cost effective for the Secretary of State to administer for the People of the State

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of Illinois, and that the institution or retail merchant can provide sufficient security for both the handling of ~~State~~ fees and taxes collected and the handling and storage of registration plates and/or stickers.

- 2) In making the ~~above~~ determination required by subsection (b)(1), the Secretary of State shall consider, but shall not be limited by~~not in limitation thereof~~, the following factors ~~in relation to the institution~~:
- A) Tentative acceptance of the terms contained in the Financial Institution/Retail Merchant License Plate/Sticker Agreement between the Secretary of State's Office and the institution or retail merchant;
 - B) Previous participation by the institution or retail merchant in the program and, if any, the circumstances surrounding its leaving the program;
 - C) Current participation by the institution or retail merchant in the over-the-counter sales program at other locations;
 - D) Submission ~~of~~ by the institution or retail merchant of a current copy of its blanket or fidelity bond, or if no such bond is maintained and the institution or retail merchant is a self-insurer, then a certificate of deposit payable to the Secretary of State, or an irrevocable letter of credit from a third party bank to the Secretary of State in an amount sufficient to protect the Secretary of State in the same manner as ~~the Secretary~~ would be protected if the blanket or fidelity bond were in force;
 - E) Total passenger registration for the county;
 - F) Total number of over-the-counter passenger sales in the community and county in the previous registration year;
 - G) Estimated annual registration plate and sticker sales for this location;
 - H) Estimated volume of walk-in traffic at this location;
 - I) Population of the community;

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- J) Population of the county;
- K) Number of banks in the community currently participating in the program in relation to the total number of banks in the community;
- L) Number of savings and loans in the community currently participating in the program in relation to the total number of savings and loans in the community;
- M) Number of currency exchanges in the community currently participating in the program in relation to the total number of currency exchanges in the community;
- N) Number of credit unions in the community currently participating in the program in relation to the total number of credit unions in the community;
- O) Number of retail merchants in the community currently participating in the program in relation to the total number of retail merchants in the community;
- P) Locations of other institutions in the community currently in the program;
- ~~QP~~) Total number of institutions in the community currently in the program;
- ~~RQ~~) Financial stability;
- ~~SR~~) Total full time and part time employees at proposed selling location;
- ~~TS~~) Selling location if different from main location;
- ~~UF~~) Selling area within the institution or retail merchant;
- ~~VU~~) Business days and hours the institution or retail merchant is open to the public.

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- 3) Miscellaneous Provisions
- A) Over-the-counter program, for purposes of this ~~Section~~~~rule~~, shall mean the program ~~in which~~~~wherein~~ the Secretary of State, by contractual agreement, authorizes a financial institution or retail merchant to sell license plates and/or renewal stickers to the general public, at a particular location.
- B) The acceptance of any application shall, in addition to the requirements in subsection (b)(1), be dependent upon the applicant agreeing to all of the terms of and signing the Financial Institution/Retail Merchant License Plate/Sticker Agreement, and the institution's or retail merchant's being in good standing and licensed by the Department of Financial and Professional Regulation or any other licensing agency, whether local, State or Federal, ~~that~~~~which~~ regulates the institution.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1010.245 Electronic Registration and Titling (ERT) Program Provisions

- a) The Secretary may, in his or her discretion, establish a program for the electronic registration and titling (ERT) of motor vehicles. Transactions that may be conducted pursuant to an ERT program may include transmitting applications for titles and registration of motor vehicles, renewal of motor vehicle registrations, creating and removing liens from motor vehicle records, applying for salvage or junking certificates, and issuing registration plates and stickers by motor vehicle dealers, ~~and~~ financial institutions and retail merchants, except that licensees under the Sales Finance Agency Act [205 ILCS 660] and the Consumer Installment Loan Act [205 ILCS 670] shall only be authorized to apply for titles and create and remove liens from motor vehicle records. Insurance, and insurance companies shall only be permitted to apply for salvage or junking certificates and retail merchants shall only be authorized to issue registration renewal stickers.
- b) Upon the establishment of an ERT program, the Secretary may enter into agreements with ERT service providers to serve as intermediaries between the Secretary of State's office and motor vehicle dealers, ~~and~~ financial institutions and retail merchants (collectively referred to in this Section as "vendors"). For the purposes of this Section, the term "financial institution" shall mean any federal or state chartered bank, savings and loan, credit union, and armored carrier, and any

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currency exchange, either directly or indirectly through an armored carrier. The term shall also include insurance companies and licensees under the Sales Finance Agency Act ~~[205 ILCS 660]~~ and the Consumer Installment Loan Act ~~[205 ILCS 670]~~. The term "retail merchant" shall mean a business that is engaged in the sale of goods or services to the general public and that has one or more permanently established places of business in Illinois.

- c) The ERT service provider shall be responsible for the following:
- 1) establishing a computerized communication link between the vendors and the Secretary of State for the transmission of titling, registration, registration renewal and lien information, in compliance with all specifications of the Secretary of State's office;
 - 2) transmitting all fees associated with the title and registration transactions to the Secretary of State; and transmitting all sales taxes due and owing for the sales of motor vehicles to the Illinois Department of Revenue;
 - 3) maintaining an inventory of registration plates and stickers and distributing those plates and stickers to vendors as necessary;
 - 4) complying with all requirements of the Secretary of State and the Department of Revenue concerning the security of the electronic information and funds transmissions, the security of the registration plates and stickers, and maintaining an electronic inventory control system for the registration plates and stickers;
 - 5) providing real-time access to the inventory control system by Secretary of State staff, auditors and Secretary of State Police for review, auditing, and inventory verification to ensure compliance with rules, policies and regulations, and for locating individual registration plates and stickers and determining to which vendor the individual registration plates and stickers were issued;
 - 6) retaining records of all ERT transactions as directed by the Secretary;
 - 7) posting a performance bond in an amount set by the Secretary, not to exceed \$1,000,000;

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- 8) registering as a remittance agent pursuant to 625 ILCS 5/Ch. 3, Art. IX;
and
 - 9) complying with all other terms and conditions set forth in the agreement between the Secretary of State and the ERT service provider.
- d) The ERT service provider shall enter into agreements with vendors for participation in the ERT program. All vendors must be currently licensed and in good standing with their regulatory agencies before being selected to participate in this program. The Secretary shall have the sole discretionary right to review and approve these agreements and shall have the right to approve, deny or revoke the right to participate in the ERT program by individual vendors. Any decision to deny or revoke an individual vendor's right to participate in the ERT program shall be based on the vendor's prior compliance with or violations of applicable statutes, rules and regulations; the vendor's participation in the Secretary's temporary registration permit program and any violations of the rules and regulations of the temporary registration permit program found in Section 1010.421; violations by the vendor of this Section or violations of the terms of agreements entered into by the vendor in the ERT program; the benefit to the public to be derived by the vendor's participation in the program; and the resources of the Secretary of State's office to support the vendor's participation in the program.
- e) Except as permitted by the Secretary during a transition period, no vendor may simultaneously participate in the ERT program and the Over-the-Counter Sales Program (see Section 1010.240).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Office of Inspector General Adults with Disabilities Abuse Project
- 2) Code Citation: 59 Ill. Adm. Code 51
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
51.50	Amended
51.70	Amended
- 4) Statutory Authority: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435].
- 5) Effective Date of Amendments: June 20, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal published in the Illinois Register: December 9, 2005; 29 Ill. Reg. 19807
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 51.70 (c)(1), "when there is an immediate and urgent necessity" was added after "the Project shall,".

In Section 51.70 (c)(1), "The threshold for seeking temporary substitute guardianship is a risk of death or great bodily harm and includes, but is not limited to, allegations of sexual abuse with credible evidence, physical injuries that require medical treatment, and serious neglect (e.g., lack of food, lack of essential hygiene, unsafe environment, failure to provide necessary medications or medical treatment such as dialysis" was added as the last sentence.
- 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

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to 59 Ill. Adm. Code 51 are necessary to reflect changes with regard to seeking temporary substitute guardianship when there is an allegation of abuse by a guardian. This rulemaking will also allow the release of financial records to the OIG for suspected victims of financial exploitation.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/785-9772
- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

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TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICESPART 51
OFFICE OF INSPECTOR GENERAL
ADULTS WITH DISABILITIES ABUSE PROJECT

Section

51.10	Purpose of Project
51.20	Definitions
51.30	Reporting Abuse, Neglect or Exploitation of an Adult with Disabilities
51.40	Receipt of Reports
51.50	Assessment of Reports
51.60	Service Plan
51.65	Service Priority
51.70	Consent
51.80	Access of an Adult with Disabilities
51.90	Confidentiality

AUTHORITY: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435].

SOURCE: Adopted by emergency rule at 24 Ill. Reg. 10362, effective July 1, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 17136, effective November 6, 2000; amended at 30 Ill. Reg. 11543, effective June 20, 2006.

Section 51.50 Assessment of Reports

- a) *The Project shall, upon receiving a report of alleged or suspected abuse, neglect or exploitation, obtain the consent of the subject of the report to conduct an assessment of the report. The assessment shall include, but not be limited to, a face-to-face interview with the adult with disabilities who is the subject of the report. This meeting may include a visit to the residence of the adult with disabilities and interviews or consultations with service agencies or individuals who may have knowledge of the circumstances of the adult with disabilities. A determination shall be made whether a report is substantiated.*
- b) *If it is determined that there is clear and substantial risk of death or great bodily harm, the Office of Inspector General shall immediately secure or provide emergency protection services for the purpose of preventing further abuse,*

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neglect or exploitation and for safeguarding the welfare of the adult with disabilities. Such service shall be provided in the least restrictive environment commensurate with the adult with disabilities' needs.

- c) The Project shall initiate an assessment of all reports of alleged or suspected abuse or neglect within 7 calendar days after the report. Reports of abuse or neglect that indicate that the life or safety of an adult with disabilities is in imminent danger shall be assessed within 24 hours after the receipt of the report. Reports of exploitation shall be assessed within 30 calendar days after the report is received. [The Project shall have access to financial records during the course of exploitation assessments in accordance with the Illinois Banking Act \[205 ILCS 5/48.1\(16\)\], the Illinois Savings and Loan Act of 1985 \[205 ILCS 105/3-8\(c\)\(14\)\], the Savings Bank Act \[205 ILCS 205/4013\(c\)\(13\)\], the Illinois Credit Union Act \[205 ILCS 305/10\(3\)\(b\)\(13\)\], and the Illinois Power of Attorney Act \[755 ILCS 45/2-7.5\(b\)\(iii\)\].](#)
- d) When the Project determines that a case is substantiated, it shall refer the case to the appropriate office within the Department of Human Services to develop, with the consent of and in consultation with the adult with disabilities, a service plan for the adult with disabilities.
- e) The Project staff shall refer reports of alleged and suspected abuse, neglect and exploitation to another State agency when that agency has a statutory obligation to investigate such reports.
- f) If the Project has reason to believe that a crime has been committed, the incident shall be reported to the appropriate law enforcement agency. [20 ILCS 2435/35]
- g) Project staff shall make reasonable accommodation of any disability of an adult, including but not limited to the regular use of sign language for any hearing impaired person for whom sign language is a primary mode of communication. If the adult with disabilities is unable to communicate effectively in English, Project staff shall make reasonable efforts to communicate in a language that the individual understands, which may involve the use of a translator or interpreter.

(Source: Amended at 30 Ill. Reg. 11543, effective June 20, 2006)

Section 51.70 Consent

- a) If the Project receives a report of alleged or suspected abuse, neglect, or

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exploitation of an adult with disabilities who lacks the capacity to consent to an assessment or to services, the Project may seek, directly or through another agency, the appointment of a temporary or permanent guardian for assessment, provision of services, or any other decision-making authority as is appropriate for the individual as provided in Article XIa of the Probate Act of 1975 [755 ILCS 5/111a-1] or other relief as provided under the Illinois Domestic Violence Act of 1986 [750 ILCS 60/101]. For purpose of this Section only "lacks the capacity to consent" shall mean that the adult with disabilities reasonably appears to be unable by reason of physical or mental condition to receive and evaluate information related to the assessment or services, or to communicate decisions related to assessments or services.

- b) *If the adult with disabilities consents to the assessment, such assessment shall be conducted. If the adult with disabilities consents to the services included in the service plan, such services shall be provided. If the adult with disabilities refuses or withdraws his or her consent to the completion of the assessment or the service plan, the assessment shall be terminated or the service shall not be provided.*
- c) *A guardian of the adult with disabilities who is abused, neglected or exploited by another individual in a domestic living situation may consent to an assessment or to services being provided pursuant to a service plan.*
- 1) *If the guardian is the alleged perpetrator of the abuse, neglect or exploitation, the Project shall, when there is an immediate and urgent necessity, seek the appointment of a temporary substitute guardian pursuant to Section 213.3 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/213.3] under the provisions of Article XIa of the Probate Act of 1975. The threshold for seeking temporary substitute guardianship is a risk of death or great bodily harm and includes, but is not limited to, allegations of sexual abuse with credible evidence, physical injuries that require medical treatment, and serious neglect (e.g., lack of food, lack of essential hygiene, unsafe environment, failure to provide necessary medications or medical treatment such as dialysis).*
- 2) *If a guardian withdraws his consent or refuses to allow an assessment or services to be provided to the adult with disabilities, the Project will seek directly or through another agency a court order seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian pursuant to the Probate Act. [20 ILCS 2435/45]*

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(Source: Amended at 30 Ill. Reg. 11543, effective June 20, 2006)

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- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
117.10	Amendment
117.50	Amendment
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13]
- 5) Effective Date of Amendments: June 20, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments was Published in Illinois Register: 29 Ill. Reg. 20302; December 16, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: In Section 117.50(a), the Department provided a cross reference for funeral and burial services eligibility standards.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking is adopted pursuant to provisions in Public Act 94-669. As a result of this rulemaking, on January 1, 2006, July 1, 2006 and July 1, 2007, the Department will increase the maximum reimbursement amount by a percentage equal to the percentage in the Consumer Price Index for All

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Urban Consumers, if any, during the 12 months immediately preceding that January 1st or July 1st.

- 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
Harris Bldg., 3rd Floor
Springfield Illinois 62762

217/785-9772

The full text of 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 b: ASSISTANCE PROGRAMSPART 117
RELATED PROGRAM PROVISIONS

Section

117.1	Incorporation By Reference
117.10	Payee for Financial Assistance
117.11	Issuance of Cash Assistance Benefits
117.12	Client Training for the Electronic Benefits Transfer (EBT) System
117.13	Replacement of the EBT Card
117.15	Reinstatement Upon Cooperation
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance – Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care – TANF, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match
117.91	New Hire Match
117.92	Electronic Finger Imaging

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

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective

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May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, 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. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; emergency amendment at 24 Ill. Reg. 6723, effective April 14, 2000, for maximum of 150 days; amended at 24 Ill. Reg. 13422, effective August 18, 2000; amended at 24 Ill. Reg. 16305, effective October 17, 2000; amended at 27 Ill. Reg. 14028, effective August 7, 2003; amended at 30 Ill. Reg. 11549, effective June 20, 2006.

Section 117.10 Payee For Financial Assistance

- a) The assistance grant shall be paid to an individual designated as the payee on the warrant or the individual authorized to use the Electronic Benefits Transfer (EBT) card or, for direct deposit accounts, the person in whose name the bank account is established.
- b) The individual receiving assistance shall be designated as the payee with the following exceptions:
 - 1) When a client has a judicially-appointed conservator or guardian, payment shall be made to the conservator or guardian unless other arrangements are made with the Department by the conservator or guardian.

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- 2) In a situation where no specified relative is available to act as payee, another person may act as Temporary Grantee for a period not to exceed 90 days.
- 3) When a minor parent and his or her dependent child are required to live with the minor parent's parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the TANF cash benefit amount will be paid to the adult who is responsible for supervising the minor parent. Otherwise, the minor parent will receive the TANF cash benefit amount.
- 4) For AABD clients under the age of 18, the client will not be the payee unless the client lives independently, is capable of managing his or her own affairs, does not have a guardian, and is approved for direct payment by the local office administrator. In all other situations, a representative payee must be assigned.
- 5) For AABD clients age 18 and over, unless the client has a legally-appointed guardian or the client is determined to be physically or mentally unable to manage the grant, the client will be the payee or the client may choose to have a representative payee. If the client has a legally-appointed guardian, the legally-appointed guardian will be assigned as the payee. If the client is physically or mentally unable to manage the grant, a representative payee must be assigned.
- 6) A Protective Payment Plan (PPP) is initiated by the Department when a client has demonstrated mismanagement of funds to the detriment of the welfare of the client or family. Examples include but are not limited to:
 - A) A client defaults on an agreement made with a utility company and the Department in the client's behalf. In this instance, when the protective payee receives the assistance payment, payment on current and back utility charges only shall be paid by the payee; the balance of the payment shall be forwarded to the client each month.
 - B) For TANF only – When a child in the assistance unit is determined to be neglected by the Department of Children and Family Services under Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3] and 89 Ill. Adm. Code 300.Appendix B.

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- C) For TANF only – The case involves a record establishing that a parent or relative has been found guilty of public assistance fraud under Article VIII A of the Illinois Public Aid Code [305 ILCS 5/Art. VIII A].
 - D) Nonpayment of rent for two months shall be considered as evidence of grant mismanagement.
 - E) Substance abuse by the caretaker relative is identified and another family member or friend is ensuring that the family's needs are being met.
 - F) For TANF only – the health and well-being of a child in the assistance unit is at risk, as indicated by lack of regular school attendance, as defined by the school.
 - G) Repeated loss of both the EBT card and Personal Identification Number (PIN) is a basis for a determination of client mismanagement and authorization of a PPP.
- c) Notice shall be sent to the client before a PPP is initiated. The notice shall inform the client of the right to appeal inclusion in a PPP. (See 89 Ill. Adm. Code [14104](#).)
- d) The protective payee shall not receive compensation for the protective payee duties and must agree to assume responsibility for the expenditure of the assistance payment in behalf of the client.
- e) The client's landlord or a vendor of goods or services to the client, with the exception of private welfare and social service agencies, shall not be designated as protective payee.
- f) The Department may designate private welfare or social service agencies to serve as protective payees.
- g) When no other suitable payee is available, the Department may appoint a member of its staff to act as protective payee. However, the staff acting as protective payee may not be:

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- 1) a person determining the client's eligibility or level of assistance;
 - 2) a person handling fiscal processing relating to the recipient;
 - 3) investigative staff; or
 - 4) a local office administrator.
- h) The need for continuation of a PPP and the performance of the protective payee shall be reviewed and evaluated by the Department as often as circumstances indicate, or, for TANF cases, at least every 12 months.

(Source: Amended at 30 Ill. Reg. 11549, effective June 20, 2006)

Section 117.50 Funerals and Burials

- a) Funeral and burial services shall be provided to eligible deceased individuals in accordance with [Section 117.53](#) ~~Department standards~~.
- b) [Payment for Funeral Expenses](#)
 - ~~1)~~ The maximum allowable amount which the Department may pay for funeral expenses of an eligible decedent is:
 - ~~A1)~~ \$700 effective 11/17/99, \$850 effective 7/1/00, and \$1000 effective 7/1/01 for an adult or child 5 years of age or older;
 - ~~B2)~~ \$436 effective 11/17/99, \$529 effective 7/1/00, \$622 effective 7/1/01, and \$1000 effective 1/1/02 for a child between the ages of 3 months and 5 years; and
 - ~~C3)~~ \$350 effective 11/17/99, \$425 effective 7/1/00, \$500 effective 7/1/01, and \$1000 effective 01/1/02 for a child under 3 months of age or stillborn.
 - 2) [On January 1, 2006, July 1, 2006, and July 1, 2007, the Department shall increase the maximum reimbursement amount by a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1.](#)

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- 3) Prior to 1/1/02, the maximum allowable amount the Department would pay for funeral expenses of an eligible decedent was based on the decedent's age.
- c) The maximum allowable amount which the Department will pay for burial (including cremation) expenses of an eligible decedent is \$350 effective 11/17/99, \$425 effective 7/1/00, and \$500 effective 7/1/01. On January 1, 2006, July 1, 2006, and July 1, 2007, the Department shall increase the maximum reimbursement amount by a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1.
- d) When there is no hospital facility for disposal of amputated limbs by cremation or if burial is desired by the recipient, an allowance of \$15 for burial of amputated limbs may be paid to a funeral director.
- e) No additional payment shall be made for burial of amputated limbs with the remainder of the body.
- f) The maximum allowable amount which the Department will pay for an Anatomical Gift case is \$100 effective 11/17/99, \$121 effective 7/1/00, and \$142 effective 7/1/01 for the funeral home services and \$50 for a memorial service held in the funeral home. In a Anatomical Gift case, the body has been donated for scientific study.

(Source: Amended at 30 Ill. Reg. 11549, effective June 20, 2006)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Day and Temporary Labor Services Act
- 2) Code Citation: 56 Ill. Adm. Code 260
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u>
260.100	Amended
260.200	New
260.210	New
260.300	Renumbered, Amended
260.310	Renumbered, Amended
260.320	Renumbered, Amended
260.330	Renumbered, Amended
260.400	New
260.410	New
260.420	New
260.430	New
260.440	New
260.450	New
260.460	New
260.470	New
260.480	New
260.490	New
260.495	New
260.497	New
260.500	New
260.510	New
260.520	New
260.600	Renumbered, Amended
260.610	Renumbered, Amended
260.620	Renumbered, Repealed
- 4) Statutory Authority: 820 ILCS 175
- 5) Effective Date of Amendments: June 22, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

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- 8) A copy of the adopted amendments, including any material incorporated by reference, are on file in the Department of Labor's principal office and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 20597; December 23, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Minor non-substantive changes were made. The definition of "professional" was added in Section 260.100. Employment notice procedures were clarified in Section 260.400(b).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendment incorporates recent changes to the Day and Temporary Labor Services Act in P.A. 94-0511. The amendment adds and modifies definitions, amends requirements for registration, reflects the increase in registration fees, explains the duties and responsibilities of day and temporary labor service agencies and third party clients, imposes recordkeeping requirements and clarifies the hearing procedures.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Valerie A. Puccini
Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago IL 60601

312/793-7838

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

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 260

DAY AND TEMPORARY LABOR SERVICES ACT

SUBPART A: GENERAL PROVISIONS

Section
260.100 Definitions

SUBPART B: COMPLAINT AND INVESTIGATION

Section
260.200 Complaint
260.210 Investigation

SUBPART CB: REGISTRATION PROCESS

Section
260.~~300~~~~200~~ Registration
260.~~310~~~~210~~ Content of Application to Register
260.~~320~~~~220~~ Expiration and Renewal of Registration
260.~~330~~~~230~~ Registration Fees~~Fee~~

SUBPART D: DUTIES AND RESPONSIBILITIES OF DAY AND
TEMPORARY LABOR SERVICE AGENCIES

260.400 Employment Notice
260.410 Recordkeeping
260.420 Inspection and Maintenance of Records
260.430 Meals
260.440 Transportation
260.450 Wage Payment and Notice
260.460 Deductions from Wages
260.470 Placement Fees
260.480 Public Access Area
260.490 Postings
260.495 Liability Insurance

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260.497 Worker's Compensation Insurance

SUBPART E: DUTIES AND RESPONSIBILITIES OF THIRD PARTY CLIENTS

260.500 Wage Payments and Legal Responsibility

260.510 Verification of Registration

260.520 Work Verification Form

SUBPART ~~FC~~: SUSPENSION, ~~OR~~ REVOCATION, DENIAL OF REGISTRATION, AND HEARINGS

Section

260.600300 Suspension, ~~or~~ Revocation, or Denial

260.610310 Initiation of ~~Hearing~~ Hearings

260.620320 Considerations in Reaching a Decision (~~Repealed~~)

AUTHORITY: Implementing and authorized by Section 45 of the Day and Temporary Labor Services Act [820 ILCS 175/45].

SOURCE: Adopted at 24 Ill. Reg. 6901, effective April 17, 2000; amended at 25 Ill. Reg. 856, effective January 5, 2001; amended at 30 Ill. Reg. 11557, effective June 22, 2006.

SUBPART A: GENERAL PROVISIONS

Section 260.100 Definitions

"Act" means the Day and Temporary Labor Services Act [820 ILCS 175].

"Contract" means an agreement, written, oral or otherwise as agreed to between the parties.

"Day" means a calendar day.

"Day or Temporary Laborer" means *a natural person who contracts for employment with a day and temporary labor service agency.*

"Day and Temporary Labor" means *labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor*

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service agency or the third party clientemployer for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency and the third party clientemployer. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.

"Day and Temporary Labor Service Agency" means any person or entity engaged in the business of employing day and temporary laborers to provide services, for a fee, to or for any third party clientemployer pursuant to a contract with the day and temporary labor service agency and the third party client, and which is located, operates or transacts business within the State of Illinoisemployer.

"Department" means the Illinois Department of Labor.

"Director" means the Director of Labor or a duly authorized representative.

"Person" means every natural person, firm, partnership, co-partnership, limited liability company, corporation, association, business trust, or other legal entity, or its legal representatives, agents, or assigns.

"Professional" means, for purposes of the Day and Temporary Labor Services Act [820 ILCS 175], any person who meets the duties test of a professional under 29 CFR 541.3 as of March 30, 2003 (no later dates or editions). Specifically, this means any employee engaged in work predominantly intellectual and varied in character, rather than routine mental, manual, mechanical or physical work.

"Third Party ClientEmployer" means any person that contracts with a day and temporary labor service agency for obtainingthe employment of day or temporary laborers. [820 ILCS 175/5]

(Source: Amended at 30 Ill. Reg. 11557, effective June 22, 2006)

SUBPART B: COMPLAINT AND INVESTIGATIONSection 260.200 Complaint

The Department may investigate any alleged violations of the Act or this Part.

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.210 Investigation

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- a) The investigation may be made by written or oral inquiry, field visit, conference or any method or combination of methods deemed suitable in the discretion of the Department. The Director may examine a day and temporary labor agency's books and records, as well as any other documents reasonably related to the investigation, to determine whether a violation of the Act has occurred.
- b) The Director shall notify all parties of the results of the investigation and shall issue a violation notice when the investigation has established that a violation of the Act or this Part occurred or is occurring.
- c) If the Director issues a written decision, a party shall have the right to appeal a violation in accordance with the procedures set forth in Section 260.610 of this Part.

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

SUBPART CB: REGISTRATION PROCESS**Section 260.300~~260.200~~ Registration**

- a) No person ~~or entity~~ shall employ day ~~and temporary~~ laborers to provide services to or for any third party ~~client employer~~ pursuant to a contract with itself and the third party ~~client employer~~ unless that person or entity has obtained a non-transferable certificate from the Department evidencing the person ~~or entity~~ is registered with the Department.
- b) A day and temporary labor service agency must register each location or branch office with the Department from which it will be operated ~~unless the agency is owned and managed by the same individual, firm, corporation, partnership or other legal entity.~~
- c) A day and temporary labor service agency shall keep, and prominently display, the certificate of registration in the public access area at each location where it operates.
- d) A person ~~or entity~~ that is licensed as a private employment agency must also register with the Department as a day and temporary labor service agency if it engages in the business of employing day and temporary laborers to provide services to or for any third party ~~client employer~~ pursuant to a contract with the

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person or entity and the third party clientemployer.

- e) A person or entity must register as a day and temporary labor service agency with the Department when, on an isolated or incidental basis, it employs persons to provide professional or clerical services to or for any third party clientemployer pursuant to a contract with the person ~~or entity~~ and the third party clientemployer, in addition to its primary business of employing day and temporary laborers to provide services to or for any third party clientemployer pursuant to a contract with the person ~~or entity~~ and the third party clientemployer.
- f) In the case of a day and temporary labor service agency that operates both day and temporary labor locations and separate locations providing professional, clerical or other non-day labor services, the requirements of subsections (c) and (d) of this Section shall apply only to the agency's day and temporary labor locations.

(Source: Renumbered from Section 260.200 and amended at 30 Ill. Reg. 11557, effective June 22, 2006)

Section ~~260.310~~260.210 Content of Application to Register

An application to register a day and temporary labor service agency, and an application for registration renewal, shall be made on a form provided by the Department. The application shall contain but is not limited to the following:

- a) The name, address, federal employer identification number, and telephone number of the personapplicant, including the trade and/or assumed name by which the personapplicant does business;
- b) If the personapplicant is a corporation, a copy of its articles of incorporation, a copy of its current bylaws and the names and addresses of its officers and directors and the names and addresses of shareholders owning more than 5% of the corporation's stock shall be provided for the initial registration. Application for registration renewal shall contain any amendments to the articles of incorporation and bylaws, the names and addresses of any new officers and directors, and the names and addresses of any new shareholders owning more than 5% of the corporation's stock;
- c) If the personapplicant is a partnership, the names, business or personal addresses, and telephone numbers of all partners. Application for registration renewal shall

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contain the names, business or personal addresses, and telephone numbers of all new partners;

- d) If the person is a limited liability company, a copy of the articles of organization, the operating agreement, and the names and addresses of all organizers and members owning more than 5% of the membership;
- e) The name, address, federal employer identification number, and telephone number of the registered agent for the place of business, including the position held by that person or entity with the ~~person~~ applicant. Application for registration renewal shall contain the name, address, federal employer identification number, and telephone number of any new registered agent for the place of business, including the position held by that person or entity with the day labor service agency;
- f) The name and locations of premises from which the day and temporary labor service agency will provide services. Application for renewal shall contain any new name and locations of premises from which the day and temporary labor service agency will provide services;
- g) The name and address of the person under whose management or supervision the day and temporary labor service agency will be operated. If, during the period when the registration is effective, the person under whose management or supervision the day and temporary labor service agency operates changes, the day and temporary labor service agency will notify the Department within 30 days after the change. Application for registration renewal shall include the name and address of any new person under whose management or supervision the day labor service agency will be operated;
- g) ~~Evidence of compliance or intent to comply with the Illinois Wage Payment and Collection Act [820 ILCS 115];~~
- h) Certification that the applicant, if an individual, is 18 years of age or older;
- i) A bond in due form, to the People of the State of Illinois, for the penal sum of \$5,000 with one or more sureties, to be approved by the Department of Labor and conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions or requirements of the Act or this Part;
- j) A certified statement of financial solvency, including, but not limited to, bank

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statements and financial ledgers;

- k) A certification that the agency will comply with all applicable State and federal employment laws, including, but not limited to, the Illinois Wage Payment and Collection Act [820 ILCS 115] and state and federal laws relating to employee compensation and overtime compensation (Illinois Minimum Wage Law [820 ILCS 105]), social security taxes, State and federal income taxes, workers' compensation (Workers' Compensation Act [820 ILCS 305]), and unemployment taxes (Unemployment Insurance Act [820 ILCS 405]);
- l) A copy of the form to be used for the employment notice, as required by Section 10 of the Act and Section 260.400 of this Part. The form shall include, but is not limited to, the items listed in Section 260.400;
- m) An oath or affirmation certifying that all information contained within, and attached to, the application is true and complete; ~~and~~
- n) The notarized signature of the individual submitting the application;
- o) Copies of financial responsibility and liability insurance required under the Motor Vehicle Code [625 ILCS 5] for any transportation provided by or referred by the day and temporary labor service agency or a third party client, or a contractor or agent of either, to transport day or temporary laborers to a work site;
- p) Proof of an employer account number for payment of unemployment insurance contributions as required by Section 45 of the Act; and
- q) Proof of valid workers' compensation insurance in effect at the time of and for the duration of the registration period covering all of the day and temporary labor service agency's employees, as required by Section 45 of the Act.

(Source: Renumbered from Section 260.210 and amended at 30 Ill. Reg. 11557, effective June 22, 2006)

Section ~~260.320~~260.220 Expiration and Renewal of Registration

- a) Registration of a day and temporary labor service agency shall be for a term of one calendar year and shall expire at the end of the calendar year ~~from the registration date~~ unless the Department revokes or suspends the registration sooner. A period of suspension does not extend the registration for any period of

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time.

- b) A day and temporary labor service agency must apply for renewal at least 6090 days prior to the expiration of its registration with the Department.

(Source: Renumbered from Section 260.220 and amended at 30 Ill. Reg. 11557, effective June 22, 2006)

Section ~~260.330~~260.230 Registration ~~Fees~~Fee

- a) The initial application to register a day and temporary labor service agency must be accompanied by a \$1,000~~250~~ fee for each agency and a \$250 fee for each branch office or other location where the agency regularly contracts with day or temporary laborers for services.
- b) The application for renewal of registration for a day and temporary labor service agency must be accompanied by a \$1,000~~250~~ fee for each agency and a \$250 fee for each branch office or other location where the agency regularly contracts with day or temporary laborers for services.
- c) The fee to initially apply for, or renew, a registration may~~shall~~ be paid by certified check, cashier's check or money order made payable to the Illinois Department of Labor.
- d) The fee to initially apply for, or renew, a registration is not refundable.

(Source: Renumbered from Section 260.230 and amended at 30 Ill. Reg. 11557, effective June 22, 2006)

SUBPART D: DUTIES AND RESPONSIBILITIES OF DAY AND TEMPORARY LABOR SERVICE AGENCIES

Section 260.400 Employment Notice

- a) A day and temporary labor service agency shall provide at the time of dispatch, to each day and temporary laborer who is sent to work as a day and temporary laborer, a statement that contains the following information:
- 1) the name of the day or temporary laborer;

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- 2) the name and nature of the work to be performed;
 - 3) the wages offered;
 - 4) the name and address of the destination of each day or temporary laborer;
 - 5) the terms of transportation;
 - 6) whether a meal or equipment or both is provided by either the day and temporary labor service agency or the third party client and the cost of the meal and equipment, if any; and [820 ILCS 175/10(a)(1)-(6)]
 - 7) if using codes on the day or temporary laborer's paycheck stub to identify third party clients, the code or codes that correlate to where the day or temporary laborer is being sent to work.
- b) The statement provided by the day and temporary labor service agency shall be certified and signed by an authorized agent of the agency stating that the information contained in the statement is true and correct. If a day or temporary laborer is not dispatched directly to the work site from the office or other location of the day and temporary labor service agency, the statement shall be provided to the day or temporary laborer by hand, email, facsimile or U.S. mail. If the day or temporary laborer is dispatched by telephone, the day and temporary labor service agency shall send the statement to the day or temporary laborer by hand, email, facsimile or U.S. mail. If a day or temporary laborer is assigned to the same assignment for more than one day, the day and temporary labor service agency is only required to provide the employment notice on the first day of the assignment and on any day that any of the terms listed on the employment notice are changed [820 ILCS 175/10(a)].

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.410 Recordkeeping

Pursuant to Section 12 of the Act, day and temporary labor service agencies shall keep the following records during regular business hours at the place the records are kept:

- a) the name, address and telephone number of each third party client, including each work site, to which day or temporary laborers were sent by the agency and the date of the transaction;

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- b) the name and address, the specific location sent to work, the type of work performed, the number of hours worked, the hourly rate of pay and the date sent, for each day or temporary laborer;
- c) the name and title of the individual or individuals at each third party client's place of business responsible for the transaction;
- d) any specific qualifications or attributes of a day or temporary laborer requested by each third party client;
- e) copies of all contracts, if any, with the third party client and copies of all invoices for the third party client;
- f) copies of all employment notices provided in accordance with Section 10 of the Act and this Subpart;
- g) deductions to be made from each day or temporary laborer's compensation made by either the third party client or by the day and temporary labor service agency for the day or temporary laborer's food, equipment, withheld income tax, withheld social security payments and every other deduction;
- h) verification of the actual cost of any equipment or meal charged to a day or temporary laborer; [820 ILCS 175/12]
- i) the race and gender of each day or temporary laborer sent by the day and temporary labor service agency, as provided by the day or temporary laborer;
- j) number of hours billed by the day and temporary labor service agency to each third party client for each day or temporary laborer; and
- k) a legend or explanation sheet for the code or codes used on a day or temporary laborer's paycheck stub that identifies the third party client or third party clients for whom the day or temporary laborer worked.

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.420 Inspection and Maintenance of Records

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- a) The Department is authorized to inspect and copy any records or notices required to be kept under the Act and this Part during regular business hours at the place where the records are maintained. The records or notices required to be kept under the Act and this Part shall be kept within the State of Illinois at an office of the day and temporary labor service agency. The refusal of an agency to produce for inspection or copying of the records will be considered grounds to revoke the agency's registration.
- b) Records required under this Section shall be maintained for a period of three years from their creation. However, records shall be maintained for a longer period while there is an open case pending against the agency.
- c) Day and temporary labor service agencies shall make the records described in Section 260.410 (a), (b), (c), (f), (g), and (h) of this Part available to a day or temporary laborer during normal business hours within 5 days following a written request. In addition, during normal business hours and within 5 days following a written request, day and temporary labor service agencies shall make available to the individual making the request records relating to the number of hours billed to a third party client for that individual day or temporary laborer's hours of work.

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.430 Meals

A day and temporary labor service agency shall not charge a day or temporary laborer for any meal not consumed by the day or temporary laborer. If a meal is consumed by the day or temporary laborer, no more than the actual cost of the meal may be charged. The purchase of a meal cannot be a condition of employment for the day or temporary laborer. (See 820 ILCS 175/15.)

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.440 Transportation

- a) *A day and temporary labor service agency or a third party client or contractor or agent of either shall not charge a fee to transport a day or temporary laborer to or from the designated work site.*
- b) *A day and temporary labor service agency is responsible for the conduct and performance of any person who transports a day or temporary laborer from the*

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agency to a work site, **except** as provided in Section 20 of the Act. [820 ILCS 175/20]

- c) A day and temporary labor service agency shall not refer a day or temporary laborer to any person for transportation to a work site, **except** as provided in Section 20 of the Act.

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.450 Wage Payment and Notice

- a) At the time of payment of wages, a day and temporary labor service agency shall provide the following information on the day or temporary laborer's paycheck or on a form approved by the Department:
- 1) the name, address, and telephone number of each third party client at which the day and temporary laborer worked;
 - 2) the number of hours worked by the day or temporary laborer at each third party client each day during the pay period;
 - 3) the rate of payment for each hour worked, including any premium rate or bonus;
 - 4) the total pay period earnings;
 - 5) all deductions made from the day or temporary laborer's compensation made either by the third party client or by the day and temporary labor service agency, and the purpose for which deductions were made, including the day and temporary laborer's food, equipment, withheld income tax, withheld social security payments, and every other deduction [820 ILCS 175/30(a)]; and
 - 6) if using codes on the day or temporary laborer's paycheck stub to identify third party clients, the legend or explanation sheet for the code or codes that correlate to where the day or temporary laborer worked shall be made immediately available to the day or temporary laborer upon request and during normal business hours.

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- b) *A day or temporary laborer who is contracted by a day and temporary labor service agency to work at a third party client's work site, but is not utilized by the third party client, shall be paid by the day and temporary labor service agency for a minimum of 4 hours of pay at the agreed upon rate of pay. However, if the day and temporary labor service agency is able to place the day or temporary laborer at another work site during that same shift, the day or temporary laborer shall be paid by the agency a minimum of 2 hours of pay, at the agreed upon rate of pay, in addition to all hours worked by the day or temporary laborer during that shift.* [\[820 ILCS 175/30\]](#)
- c) All wage payments must be in compliance with all laws relating to wages contained in [820 ILCS](#).

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.460 Deductions from Wages

Except as provided in Section 9 of the Illinois Wage Payment and Collection Act, no deductions from wages shall be made unless the day or temporary laborer provides express written authorization for a deduction given freely at the time the deduction is made in accordance with Section 9 of the Illinois Wage Payment and Collection Act [\[820 ILCS 115/9\]](#), the Act and this Part. Deductions may not cause a day or temporary laborer's hourly rate to fall below the State or federal minimum wage. The Department shall provide a form to be used for all deductions made under the Act and this Part.

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.470 Placement Fees

- a) A day and temporary labor service agency may charge a placement fee to a third party client who employs a day and temporary laborer for whom a contract for work was effected by the agency. The fee shall not exceed the total daily commission rate the agency would have received over a 60 day period reduced by the total amount of the daily commission rate the agency has received each day the day or temporary laborer has performed work for the agency in the preceding 12 months.
- b) Days worked at the agency in the 12 months prior to [January 1, 2006](#) shall be included for purposes of calculating the maximum placement fee.

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(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.480 Public Access Area

A day and temporary labor service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall allow for access to restrooms and suitable drinking water. (See 820 ILCS 175/35.)

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.490 Postings

A day and temporary labor service agency shall post and keep posted at each location, in the public access area, easily accessible to all employees, notices as supplied and required by the Department containing a copy or summary of the provisions of the Act and a toll-free telephone number for day or temporary laborers and the public to file wage dispute complaints and other alleged violations by day and temporary labor service agencies. The public access area shall also be the location for any other State or federally mandated posting. (See 820 ILCS 175/35.)

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.495 Liability Insurance

Any day and temporary labor service agency that provides transportation, as provided in Section 20 of the Act or this Part, to a day or temporary laborer to transport the laborer to a work site shall be required to notify the Department if the insurance policy is cancelled. The day and temporary labor service agency shall ensure that the insurance company provides the Department notice of cancellation of the insurance.

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.497 Workers' Compensation Insurance

Valid workers' compensation insurance covering all day or temporary laborers shall be in effect at the time of and for the duration of the registration period. The day and temporary labor service agency shall have an affirmative duty to report any lapse of coverage to the Department. It shall also be required that the day and temporary labor service agency ensure that the insurance company provide the Department notice of cancellation of the insurance.

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

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SUBPART E: DUTIES AND RESPONSIBILITIES OF THIRD PARTY CLIENTSSection 260.500 Wage Payments and Legal Responsibility

All wage payments must be in compliance with all laws relating to wages contained in 820 ILCS. Third party clients that contract with day and temporary labor service agencies for the services of day or temporary laborers shall share with the day and temporary labor service agency all legal liability and responsibility for the payment of wages.

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.510 Verification of Registration

Third party clients have a duty to verify that a day and temporary labor service agency is registered with the Department before entering into a contract with the agency, and again on March 1 and September 1 of each year. Third party clients may verify that an agency is registered by consulting the Department's website.

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

Section 260.520 Work Verification Form

For each day or temporary laborer who is contracted to work a single day, the third party client shall provide the day or temporary laborer with a work verification form at the end of the work day. The form shall be provided by or approved by the Department and shall contain the date, the name of the day or temporary laborer, the work location and the hours worked on that day. (See 820 ILCS 175/30(a-1).)

(Source: Added at 30 Ill. Reg. 11557, effective June 22, 2006)

SUBPART ~~FC~~: SUSPENSION, ~~OR~~ REVOCATION,
DENIAL OF REGISTRATION, AND HEARINGSSection ~~260.600~~260.300 Suspension, ~~or~~ Revocation, or Denial

The registration of a day and temporary labor service agency with the Department shall be suspended, ~~or~~ revoked or denied for, but not limited to, any of the following reasons:

- a) A violation of, or failure to comply with, any provision of the Act or of this Part;

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- b) Knowingly making any misrepresentation or false statement in connection with an application for, or renewal of, a registration of a day and temporary labor service agency with the Department; or
- c) For any conduct or practice found, as a result of an administrative hearing, to be detrimental to public health and safety.

(Source: Renumbered from Section 260.300 and amended at 30 Ill. Reg. 11557, effective June 22, 2006)

Section ~~260.610~~260.310 Initiation of Hearing~~Hearings~~

- a) A hearing shall be initiated upon the request of a party after the party has received a written decision of a violation of the Act or this Part. The request must be made in writing and mailed by certified mail or delivered in person to the Department within 10 working days after receipt after the written decision of a violation.
- b) Hearings shall be conducted pursuant to the provisions of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and the Department's Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120).
- a) ~~Before suspending or revoking a registration of a day labor service agency, the Department shall notify the person or entity in writing by certified mail, setting forth the particular reason for the proposed action and fixing a date, not less than 14 days from the date of the mailing, at which time the day labor service agency shall be given an opportunity for a hearing.~~
- b) ~~Hearings conducted under this Part are formal in nature and shall be convened pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 56 Ill. Adm. Code 120.~~

(Source: Renumbered from Section 260.310 and amended at 30 Ill. Reg. 11557, effective June 22, 2006)

Section ~~260.620~~260.320 Considerations in Reaching a Decision (Repealed)

~~In deciding whether the findings warrant a determination to suspend or revoke a registration of a day labor service agency, the Department shall consider the following factors:~~

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- a) ~~Whether the conduct violates the intent and purpose of the Act and/or this Part, and was not merely a technical, non-substantive error;~~
- b) ~~Whether the day labor service agency has taken steps to correct the noted violations;~~
- c) ~~Whether the same or similar violations relating to the same conditions or occurrences have been included in previous reports and the day labor service agency has allowed the condition or occurrence to continue or to recur; and~~
- d) ~~Whether the violations could pose any direct or potential threat or harm to public health and safety.~~

(Source: Renumbered from Section 260.320 and repealed at 30 Ill. Reg. 11557, effective June 22, 2006)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Designation of Restricted Waters in the State of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 2030
- 3) Section Number: 2030.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12]
- 5) Effective Date of Amendment: June 23, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 24, 2006; 30 Ill. Reg. 5492
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment downsizes the no-wake zone on the Rock River at Martin Park in Loves Park and eliminates the no-boat area where there is no longer a swimming beach. At the request of local law enforcement officers who had concerns for public safety, this rule was amended in May of 2003 to designate a portion of the Rock River at Martin Park in Loves Park as a slow, no wake area. However, a group of boaters in the area believes the designated area is too restrictive and requested that it be modified. In an attempt to reach a compromise, DNR law enforcement staff met with the sheriff of Winnebago County, the Rockford Police

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Department, the Rockford Park District Police Department and members of the group who opposed the restricted area. Following these discussions, Department personnel determined that downsizing the no-wake area will not compromise public safety.

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2030

DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

Section

2030.10	General Regulations
2030.15	Designation of Restricted Waters by the Department of Natural Resources
2030.20	Region I – Designated Restricted Boating Areas
2030.30	Region II – Designated Restricted Boating Areas
2030.40	Region III – Designated Restricted Boating Areas
2030.50	Region IV – Designated Restricted Boating Areas
2030.60	Region V – Designated Restricted Boating Areas
2030.70	Riverboat Gambling Casinos – Designated Restricted Boating Areas
2030.80	Hazardous Navigation Conditions – Designated Restricted Boating Areas

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendment at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendment at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; corrected at 13 Ill. Reg. 967; emergency amendment at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. 8483, effective May 26, 1992; amended at 19 Ill. Reg. 7549, effective May 26, 1995; emergency amendment at 19 Ill. Reg. 11967, effective August 3, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 750, effective December 29, 1995; amended at 20 Ill. Reg. 7864, effective June 3, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 15692, effective December 2, 1996; amended at 23 Ill. Reg. 6822, effective May 20, 1999; amended at 27 Ill. Reg. 8871, effective May 19, 2003; amended at 29 Ill. Reg. 15550, effective September 27, 2005; amended at 30 Ill. Reg. 11576, effective June 23, 2006.

Section 2030.20 Region I – Designated Restricted Boating Areas:

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- a) The following portions of the Rock River are designated as Slow, No Wake areas:
- 1) An area of the Rock River located at Moonlite Bay, 4 miles east of Sterling and 6 miles west of Dixon, Illinois.
 - 2) The portion of the Rock River ¼ mile above the dam at Oregon, Illinois, at the docking area at Lowden Memorial Park.
 - 3) The portion of the Rock River at Martin Park in Loves Park from 200 feet upstream of the boat launches to 200 feet downstream of the boat launches, and for 150 feet from the Martin Park Shoreline from 200 feet downstream of the boat launches to 400 feet downstream of the boat launches~~the Riverside Bridge south to the island located at the south end of Martin Park.~~
- b) The following portions of the Fox River are designated as Slow, No Wake areas: The portion of the Fox River between the Main Street bridge of the City of Ottawa and the mouth of the Fox River at the confluence of the Illinois River.
- c) The following portions of the Illinois River are designated as Slow, No Wake areas:
- 1) The portion of the Illinois River from the Burlington Northern R.R. bridge in the City of Ottawa to the upstream side of the mouth of the Fox River.
 - 2) The area of the Illinois River near the Spring Bay boat harbor at Spring Bay, Illinois.
 - 3) An area of the Illinois River at the Woodford County Conservation area, 7 miles north of Spring Bay off Route 87.
 - 4) An area of the Illinois River located at the Detweiller Marina, Peoria, Illinois.
 - 5) An area of the Illinois River from the southernmost edge of the Downtown Riverfront Marina to the Murray Baker Bridge, Peoria, Illinois.
 - 6) An area of the Illinois River at Alfrisco Harbor, Peoria Heights, Illinois.

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- 7) An area located at the Sobowski Marina, Peoria Heights, Illinois.
 - 8) An area located at the Illinois Valley Yacht Club, Peoria Heights, Illinois.
 - 9) An area at Henry, Illinois, on the west side of the River from Browns Landing to 300 yards north of the bridge.
 - 10) The Lacon Boat Club Dock, Lacon, Illinois.
 - 11) The boat harbor at Lacon, Illinois.
 - 12) An area at the South Shore Boat Club, Peru, Illinois.
 - 13) The harbor of Starved Rock Marina, Ottawa, Illinois.
 - 14) The waters of the Illinois River beginning in front of the Pekin Boat Club launching ramp.
- d) The following portions of the Mississippi River are designated as Slow, No Wake areas:
- 1) An area bordering the Savanna Park waterfront, extending from a jetty south of the Ritchie Boat Dock, north to a jetty north of the Kindell Marina.
 - 2) An area in Vaely Chute which runs through the Andalusia Islands located 4 miles west of Andalusia.
 - 3) An area at the launching ramp and harbor of the Rock Island Boat Club located at the foot of 18th Avenue in Rock Island.
 - 4) An area at the harbor and boat ramp in front of the Legion Hall at Cordova, Illinois.
 - 5) An area located at the boat ramps, City of Moline, between 26th Street and 34th Street and River Drive.
 - 6) An area near the launching ramps and bathing beach at Keithsburg, Illinois.

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- 7) An area in the chute connecting Sturgeon Bay and the Mississippi River at New Boston, Illinois.
- 8) An area near the boat ramp and floating gas station at the end of Route 17 at New Boston.
- 9) An area at Shokohon, Illinois.
- 10) An area in the fish preserve lock and dam 19 at Hamilton, Illinois.
- 11) The public launching area 3 miles north above the dam at Hamilton.
- 12) The waters of Harris Slough Mississippi River backwaters at the Galena Boat Club, 3 miles south of Galena, Illinois.
- 13) The waters encompassing the cut starting at the mouth of the cut on Deadman's Slough, then northward approximately 250 feet to the confluence of the Harris and Keohough Sloughs.
- 14) The backwater section of the Mississippi River (river mile marker 479.8) that starts at the Harbor opening of Potter's Lake, Sunset Park, Rock Island and covers the entire lake area.
- 15) The area of Cattail Slough off the Mississippi River, located south of Fulton, Whiteside County, ~~.77/10~~⁷⁷ mile in length, 150 yards wide, starting on the north at the Chicago and Northwestern R.R. bridge and extending south ~~.77/10 of a~~⁷⁷ mile to the first narrows.
- 16) The waters of the south entrance to Chandler Slough lying upstream from the north boundary of the U.S. Fish and Wildlife Service property up to and including the Bent Prop Marina harbor area.
- 17) The waters of Frentress Lake lying upstream from the boat ramp at Charlies Boat Dock, including the adjacent sand pit harbor area.
- 18) An area of the Mississippi River in the vicinity of the Lazy River Marina at Savanna, Illinois, extending from the upper limit of the dredge cut at Miller's Lake to a point north of the Miller's Hollow public launching ramp.

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- 19) An area located approximately at Mississippi River mile 536.6 known as Savanna Slough from the Soo Line railroad bridge north to the north point of the Savanna Park District island as posted by signs or buoys.
- e) The following waters shall be designated as restricted waters as described below:
- 1) NO BOATS
- ~~A)~~ ~~The swimming area at Martin Park, Loves Park, Illinois.~~
- ~~A)B)~~ The swimming area at Albany Beach located in Albany Township.
- ~~B)C)~~ The swimming area at the Santa Fe Island bar, approximately 4 miles north of Savanna.
- ~~C)D)~~ The head of Big Island and 1½ miles north of Oquawka, Illinois.
- ~~D)E)~~ The Boy Scout Camp located on Lake Cooper, Mississippi River.
- ~~E)F)~~ The waters of the four chutes of Argyle Lake, approximately 2 miles north of Colchester, Illinois.
- ~~F)G)~~ The water 600 feet above and 150 feet below dams 12, 13, 14, 15, 16, 17 and 18 on the Mississippi River.
- 2) NO SKI – It shall be unlawful to water ski in the following designated waters:
- That area of the inside cut of the Mississippi River, opening directly into Frentrees Lake, includes the area from the north to the south entrances from the river slough, inclusive, east of Mile Post 576.

(Source: Amended at 30 Ill. Reg. 11576, effective June 23, 2006)

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- 1) Heading of the Part: Payment of Taxes by Electronic Funds Transfer
- 2) Code Citation: 86 Ill. Adm. Code 750
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
750.600	Amendment
750.700	Amendment
750.900	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-210
- 5) Effective Date of Amendments: June 26, 2006
- 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: 29 Ill. Reg. 19134; November 28, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
 1. In Section 750.900 (a), before "next", added "financial institution's".
 2. In Section 750.900 (d), removed preference to the Statute on Statutes.
- 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: Provides that electronic payments of taxes and fees initiated on or before the due date are deemed timely by the Department of Revenue.

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NOTICE OF ADOPTED AMENDMENTS

Currently electronic payments of taxes or fees must be deposited as collected funds in the Department's account on or before the due date to be deemed timely.

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

Samuel J. Moore
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 750

PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

Section

750.100	Scope of the Program and Rules
750.200	Definitions
750.300	Payments Required to be Paid by Electronic Funds Transfer
750.400	Eligibility Determination and Taxpayer Notification
750.500	Voluntary Program Participation
750.600	Methods of Electronic Funds Transfer Payment
750.700	Payment Transmission Errors
750.800	Department Notification Requirement
750.900	Due Date; General Provisions

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5], Use Tax Act [35 ILCS 105], Service Use Tax Act [35 ILCS 110], Service Occupation Tax Act [35 ILCS 115], Retailers Occupation Tax Act [35 ILCS 120] and Electricity Excise Tax Law [35 ILCS 640] and authorized by Section 2505-210 of the Civil Administrative Code [20 ILCS 2505/2505-210].

SOURCE: Adopted at 17 Ill. Reg. 18132, effective October 4, 1993; amended at 18 Ill. Reg. 15612, effective October 11, 1994; amended at 20 Ill. Reg. 9111, effective July 2, 1996; amended at 22 Ill. Reg. 10904, effective June 8, 1998; amended at 23 Ill. Reg. 5847, effective May 3, 1999; amended at 24 Ill. Reg. 3867, effective February 28, 2000; amended at 25 Ill. Reg. 185, effective December 26, 2000; amended at 26 Ill. Reg. 1727, effective January 24, 2002; amended at 27 Ill. Reg. 14623, effective August 26, 2003; amended at 30 Ill. Reg. 11583, effective June 26, 2006.

Section 750.600 Methods of Electronic Funds Transfer Payment

- a) There are two primary methods for payment by electronic funds transfer under the program, along with one emergency backup method. These methods are ACH Debit, ACH Credit and Fedwire. Taxpayers may use either the ACH Debit or Credit methods for payment. Taxpayers who are required to pay or voluntarily pay Cigarette Tax or Cigarette Use Tax using EFT must pay their tax liability using an ACH debit payment. Fedwire is only offered as an emergency backup method of payment.

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- b) Taxpayers who choose or are required to use the ACH Debit option must use one of the following methods:
- 1) Place a toll-free call to the Department's data collection service and provide the appropriate account number and required tax payment information. The data collection service will then provide the taxpayer with a unique "confirmation number" to acknowledge the call. ~~The call must be placed by 3:30 pm Central Standard Time at least one day prior to the due date for the payment.~~ The data collection service will initiate the ACH Debit to the taxpayer's account the same day the taxpayer calls the Department, except in the case of ACH warehousing by the data collection service, which will be initiated the working day prior to the due date, and a credit to the Department's account will be made the following day. When a taxpayer chooses this payment option, the Department will provide the taxpayer with a detailed set of technical instructions related to the payment mechanism.
 - ~~2) ACH Debits initiated via electronic data transfer (modem to modem) must be acknowledged as accepted before 12:00 p.m. (Noon—central time) on the last business banking day prior to the due date of the payment.~~
 - 23) Taxpayers that are purchasing cigarette tax revenue stamps will not need to place a call to the Department's data collection service. However, a debit authorization form provided by the Department must accompany the purchase order invoice. The Department will then initiate all ACH debits for taxpayers who are required to use EFT when purchasing cigarette tax stamps and who provide the Department with their debit authorization.
 - 34) Taxpayers who electronically file their tax return may include an ACH Debit record with the transmission.
- c) To use the ACH Credit option, the taxpayer initiates a credit by instructing its bank to transfer the tax due from the taxpayer's account to the Department's account. The taxpayer's bank will then insert a "trace number" into the payment transaction to be used as a payment verification. In addition to the payment amount, taxpayer account posting information is sent with the funds transfer using the TXP convention. This is a standard format developed for use by all states accepting tax payments by means of ACH Credit. A copy of the TXP convention is provided as a portion of the technical instructions provided to taxpayers making payment in this form.

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- ~~1)~~ ~~The ACH Credit must be initiated at least one day prior to the due date of the payment so the funds are available on the due date of the payment, or earlier if required by the taxpayer's bank so the funds are available on the due date.~~
- ~~12)~~ Before choosing this option on the registration form, a taxpayer should contact its bank to determine what ACH services are offered by the bank.
- ~~23)~~ This option is not authorized for taxpayers that purchase cigarette tax stamps.
- d) The Fedwire option for payment is offered by the Department only as a backup method. ~~If for some reason a taxpayer is unable to initiate an ACH Debit or ACH Credit one day prior to the due date of the tax, Fedwire is the only electronic alternative method available to avoid late payment penalties and interest.~~ If this backup method is used, the taxpayer's bank must initiate the Fedwire by noon Central Standard Time on the tax due date.
- 1) Fedwires have costs associated with them for both the initiator and the receiver. A taxpayer using this option will be required to pay the initiator's fee, and the receiver fee will be charged to the Department.
- 2) To effectively credit the payment information to the taxpayer's account, the Department's standard Fedwire format (the Department requires the same data as the TXP convention) information should be entered by taxpayer's bank as part of the Fedwire transaction. The taxpayer's bank should provide taxpayer with a paper copy of the transmission for taxpayer's records. A copy of the Department's standard Fedwire format is included in the technical instructions provided all program participants.
- 3) Fedwire is not a routine electronic funds transfer option. If a taxpayer uses this emergency backup option, taxpayer must contact the Department by telephone in advance to provide notification of the emergency situation.

(Source: Amended at 30 Ill. Reg. 11583, effective June 26, 2006)

Section 750.700 Payment Transmission Errors

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- a) If a taxpayer does not make a correct payment of tax for a particular period, such taxpayer shall, on the nearest business day to the date on which the error is discovered, contact the Department's Electronic Funds Transfer EFT unit.
- b) If the taxpayer error involves an underpayment of tax, the taxpayer must make appropriate arrangements to initiate payment for the amount of the underpayment and penalties and interest.
- c) A failure to initiate an electronic funds transfer payment ~~so that it settles~~ on or before the due date because of circumstances under the taxpayer's control, including but not limited to insufficiency of funds in the taxpayer's account or a direct payment to the Department using an unauthorized payment method, may result in either the loss of discount, the imposition of penalties and interest, or both.

(Source: Amended at 30 Ill. Reg. 11583, effective June 26, 2006)

Section 750.900 Due Date; General Provisions

- a) Taxpayers who are required to remit tax payments through electronic funds transfer and voluntary program participants must initiate the transfer ~~so that the amount due is deposited as collected funds to the Department's account~~ on or before the due date under the appropriate tax Act and request a payment date no later than the due date or, if a payment date of the due date is unavailable, then no later than the financial institution's next available business day after the due date. For the payment to be deemed timely by the Department, the transfer must be initiated on or before the due date and must result in the amount due being deposited as collected funds to the Department's account, even if that deposit occurs after the due date. Taxpayers should be aware that the provisions of Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25] do not apply to payments made by electronic funds transfer as the payments are not transmitted by mail.
- b) The electronic funds transfer method of payment does not change any current filing requirements for tax returns.
- c) In addition to the provisions for reasonable cause for late payment under the applicable tax laws, for electronic funds transfer purposes, reasonable cause for late payment by electronic funds transfer includes the following:
 - 1) The inability to gain access to the EFT system on the required date

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because of a system failure beyond the reasonable control of the taxpayer.
For example:

- A) In the case of ACH debit transactions, the taxpayer is unable to make telephone contact with the system to provide an instruction to transfer funds from the taxpayer's account, or
 - B) In the case of ACH credit transactions, the taxpayer's bank is unable to gain access to the ACH network to arrange for a deposit of funds with the Department;
- 2) The failure of the electronic funds transfer system to properly apply a payment.

d) If a taxpayer is required to remit a tax payment through electronic funds transfer but instead makes the payment by mail, the amount due must be physically received by the Department on or before the due date under the appropriate tax Act in order for the payment to be considered timely by the Department.

(Source: Amended at 30 Ill. Reg. 11583, effective June 26, 2006)

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- 1) Heading of the Part: Electronic Filing of Returns or Other Documents
- 2) Code Citation: 86 Ill. Adm. Code 760
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
760.220	Amendment
760.240	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-200
- 5) Effective Date of Amendments: June 26, 2006
- 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: 29 Ill. Reg. 19141; November 28, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
 1. In Section 760.240(a), struck "and" and added "or".
 2. In Section 760.240(b), before "next", added "financial institution's".
 3. In Section 760.240(g), removed references to the Statute on Statutes and added "physically" before "received".
- 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

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- 15) Summary and Purpose of Amendments: Provides that electronic payments of taxes and fees initiated on or before the due date are deemed timely by the Department of Revenue. Currently electronic payments of taxes or fees must be deposited as collected funds in the Department's account on or before the due date to be deemed timely.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Samuel J. Moore
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield Illinois 62794

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 760

ELECTRONIC FILING OF RETURNS OR OTHER DOCUMENTS

Section	
760.100	Electronic Returns
760.110	Exclusions from Electronic Filing
760.120	Where to Send Electronic Returns (Repealed)
760.200	Ways to Participate in Electronic Filing
760.210	Enrollment in the Electronic Filing Program
760.220	Electronic Payment Required
760.230	Electronic Signatures
760.240	Due Dates and Date Received
760.300	Responsibilities of Electronic Filers
760.310	Filing Acknowledgments
760.320	Electronic Payment Acknowledgments
760.330	Termination of Voluntary Participants

AUTHORITY: Implementing and authorized by Section 2505-200 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-200].

SOURCE: Adopted at 22 Ill. Reg. 14905, effective August 3, 1998; amended at 27 Ill. Reg. 14636, effective August 26, 2003; amended at 30 Ill. Reg. 11590, effective June 26, 2006.

Section 760.220 Electronic Payment Required

- a) Taxpayers who voluntarily choose to electronically file returns and other documents with the Department under the provisions of this Part must make any required payments relating to those returns or documents through electronic means. The methods of electronic payment that can be utilized are as follows:
 - 1) Electronic payment by electronic funds transfer under the Electronic Funds Transfer Program described in 86 Ill. Adm. Code 750. Liquor tax participants that submit their return and schedules on approved magnetic media must utilize this method;
 - 2) Electronic payment by including payment data as part of an EDI 813 Electronic Filing of Tax Return Data transaction set (see Section 760.320)

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of this Part). This method is only available for sales tax participants; or

- 3) Electronic payment by including payment data in an EDI 820 Payment Order/Remittance Advice transaction set (see Section 760.320 of this Part). This method is only available for sales tax participants;
 - 4) Electronic payment by including payment data as part of the electronic transmission of the return and schedule data; or
 - 5) Electronic payment by including payment data in an electronic transmission that is separate from the return and schedule transmission.
- b) Regardless of the electronic payment method selected, taxpayers must complete and submit Form EFT-1, Authorization Agreement for Electronic Funds Transfer, as part of the electronic filing enrollment process, along with the appropriate electronic filing enrollment form. This is required unless a participant is already enrolled to make payments in the Department's Electronic Funds Transfer Program for the returns or other documents listed in Section 760.100(c) or (d) of this Part. Form EFT-1 must be completed and submitted with the appropriate enrollment form for electronic filing.
- e) ~~Taxpayers making electronic payments must initiate the transfer so that the amount due is deposited as collected funds to the Department's account on or before the due date under the appropriate tax Act. Taxpayers are reminded that the provisions of Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25] do not apply to payments made by electronic means as those payments are not transmitted by mail.~~

(Source: Amended at 30 Ill. Reg. 11590, effective June 26, 2006)

Section 760.240 Due Dates and Date Received

- a) When the statutory due date for filing a return ~~or~~ ~~and~~ other document or making payment with the Department falls on a weekend or a banking holiday observed by the State of Illinois, the Department will accept the electronic return or other document and the payment on the next business day. Electronic filers are responsible for timely initiating the transaction to assure the return ~~or~~ ~~and~~ other document is received by ~~;~~ ~~and the funds made available to;~~ the Department on the day following the weekend or banking holiday.

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- b) Taxpayers making electronic payments under this Part must initiate the payment on or before the due date under the appropriate tax Act and request a payment date no later than the due date or, if a payment date of the due date is unavailable, then no later than the financial institution's next available business day after the due date. For the payment to be deemed timely by the Department, the transfer must be initiated on or before the due date and must result in the amount due being deposited as collected funds to the Department's account, even if that deposit occurs after the due date. ~~When the statutory due date for filing or payment is the next day following a weekend or observed banking holiday, electronic filers are responsible for initiating the transaction prior to or on the last business day before the weekend or banking holiday, to assure the return and other document is received by, and the payment made available to, the Department by the due date.~~
- c) The receipt date of the electronic transmission will constitute the receipt date of the electronic return or other document ~~(except debit authorization)~~ if the transmission is acknowledged as accepted, or accepted with error, with a detailed acknowledgment from the Department as provided in Section 760.310. Any return or other document, including debit authorization, acknowledged as rejected with a functional or detailed acknowledgment will be considered not filed. The receipt date of the electronic transmission will be when the telephone transmission ends for participants transmitting directly to the Department.
- d) Payment by debit authorization included in the electronic return ~~The receipt date for electronic payment will be~~ considered timely if all of the following conditions are met:
- 1) The receipt date of the electronic return in which the EFT debit payment is included is timely under subsection (c);
 - 2) The EFT debit payment date requested is no later than the due date or, if a payment date of the due date is unavailable, then no later than the next available business day after the due date; and
 - 3) A confirmation number for the EFT debit is received in the acknowledgment from the Department indicating that it was accepted in the same electronic transmission as the return filing ~~the date the payment is actually deposited as collected funds to the Department's account.~~

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- e) Failure to receive a confirmation number for a debit authorization in the acknowledgment from the Department means that the payment was not accepted for processing, although the return may be acknowledged as accepted or accepted with error.
- fe) In the case where a taxpayer submits a return or other document on approved magnetic media in accordance with this Part, Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25], which provides that a return or other document transmitted through the United States mail is deemed filed with or received by the State on the date shown by the post office cancellation mark stamped upon the envelope or other wrapper containing it, applies only to the receipt of the return filed on diskette or other approved magnetic media.
- g) If a taxpayer is required to file a return or other document or to remit a tax payment through an electronic transmission but instead files the return or other document or makes the payment by mail, the return or other document or the amount due must be physically received by the Department on or before the due date under the appropriate tax Act in order for the return or other document or the payment to be considered timely by the Department.

(Source: Amended at 30 Ill. Reg. 11590, effective June 26, 2006)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: TeleFile Program
- 2) Code Citation: 86 Ill. Adm. Code 770
- 3) Section Number: 770.150 Adopted Action:
Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-200
- 5) Effective Date of Amendment: June 26, 2006
- 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: 29 Ill. Reg. 19147; November 28, 2005
- 10) Has JCAR issued a Statement of Objection to this Amendment? No
- 11) Differences between proposal and final version: The main source note and authority note were corrected. 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 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: Provides that electronic payments of taxes and fees initiated on or before the due date are deemed timely by the Department of Revenue. Currently electronic payments of taxes or fees must be deposited as collected funds in the Department's account on or before the due date to be deemed timely.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Samuel J. Moore

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 770
TELEFILE PROGRAM

Section	
770.100	Voluntary TeleFile Program
770.105	Mandatory TeleFile Program
770.110	Exclusions from TeleFile
770.120	How to Participate
770.130	Personal Identification Number (PIN)
770.140	Confirmation Numbers
770.150	Due Dates and Date Received

AUTHORITY: Implementing and authorized by Section 2505-200 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-200].

SOURCE: Adopted at 24 Ill. Reg. 8384, effective June 2, 2000; emergency amendment at 27 Ill. Reg. 18924, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; days; amended at 28 Ill. Reg. 9670, effective June 23, 2004; amended at 30 Ill. Reg. 11596, effective June 26, 2006.

Section 770.150 Due Dates and Date Received

- a) The date that the telephone call is completed and a confirmation number is issued by the automated voice prompt system is the received date for the return to which the confirmation number relates. For example, if a telephone call is initiated on one date and completed on another date, the date that the telephone call is completed is the date of filing. The confirmation number must be received and the telephone call must be completed by 11:59 p.m. CST (adjusted for Daylight Savings Time) on that date for the return to be considered filed on that date.
- b) Returns that are filed through the use of TeleFile after the date that they are due will result in penalties for late filing as provided in 86 Ill. Adm. Code 700.300.
- c) [If a return filing includes EFT debit payment information, the payment will be considered timely if all of the following conditions are met:](#)

DEPARTMENT OF REVENUE

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- 1) The received date for the return in which the EFT debit payment is included is timely under subsection (a);
 - 2) The EFT debit payment date requested is no later than the due date or, if a payment date of the due date is unavailable, then no later than the next available business day after the due date; and
 - 3) A confirmation number for the EFT debit is received from the automated voice prompt system indicating that it was accepted in the same call as the return filing.
- d) Failure to receive a confirmation number for an EFT debit payment means that the debit was not accepted by the TeleFile system.

(Source: Amended at 30 Ill. Reg. 11596, effective June 26, 2006)

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2700.15	New Section
2700.20	Amendment
2700.30	Amendment
2700.50	Amendment
2700.70	Amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective date of amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of these 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: February 17, 2006; 30 Ill. Reg. 2119
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: Section 2700.15 was added to include the date to which the multiple citations of the *Code of Federal Regulations* apply.

The only other changes made were nonsubstantive.
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 15) Summary and purpose of rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopts the following substantive amendment:

Section 2700.50(g)(2), is amended to clarify when an applicant's Illinois residency must be verified by the postsecondary institution the applicant is attending.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2700
GENERAL PROVISIONS

Section

2700.10	Summary and Purpose
<u>2700.15</u>	<u>Incorporations by Reference</u>
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Data
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005; amended at 30 Ill. Reg. 11600, effective July 1, 2006.

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Section 2700.15 Incorporations by Reference

- a) The Commission incorporates by reference 34 CFR 85, 237, 600, 653, 668, 674, 675, 676, 682 and 690 (July 1, 2005). No incorporation by reference in this Section includes any later amendment or edition beyond the date stated. The Code of Federal Regulations is available online at: www.gpoaccess.gov.
- b) Copies of the appropriate material are available for inspection at the Illinois Student Assistance Commission offices at:

1755 Lake Cook Road, Deerfield IL 60015-5209

500 West Monroe, Springfield IL 62704-1876

100 West Randolph, Suite 3-200, Chicago IL 60601-3219

(Source: Added at 30 Ill. Reg. 11600, effective July 1, 2006)

Section 2700.20 Definitions

"Academic Level" – The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" – In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.2.

"Alternative Loan" – Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 [USCUSA](#) 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" – Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" – *Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in*

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the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State.
(Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" – The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" – A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by Section 428(n) of the HEA.

"Chargeback" – Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance.
(See 110 ILCS 805/6-2.)

"Citizen" – One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" – A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" – One of the two individuals who are joint borrowers either on a Federal PLUS Loan that was certified prior to January 1, 1995 or on any Federal Consolidation loan and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" – The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound ~~Accreted~~~~Accredited~~ Value" – An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate which is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound ~~Accreted~~~~Accredited~~ Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

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"Concurrent Registration" – The simultaneous enrollment at two or more institutions.

"Consolidation" – A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by Section 428C of the HEA.

"Contractual Agreement" – The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among two or more eligible institutions only.

"Correctional Officer" – An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" – A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" – A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" – For the purposes of ISAC's rules, this term is defined at Section 472 of the Higher Education Act of 1965, as amended (20 [USCUSA](#) 108711).

"Cumulative Grade Point Average" – The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" – The failure of a borrower to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

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"Delinquency" – For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" – A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" – In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" – A learning and teaching mode characterized by the separation of place and/or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" – The acronym for the United States Department of Education.

"Educational Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization with enrolls students who participate in ISAC programs.

"Educational Lender" – An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" – The acronym for electronic funds transfer.

"Eligible Noncitizen" – A noncitizen who is eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 [USC](#)~~USCA~~ 1091.)

"Endorser" – A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation.

"Enrolled" – The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" – The chief executive officer of ISAC.

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"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended. (See 20 [USCUSA](#) 1087nn.)

"FAFSA" – The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" – The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" – Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" – The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" – For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" – An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" – In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 682.200.

"Gift Assistance" – Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and

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private aid.

"Good Moral Character" – An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" – The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan" – Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"HEA" – The acronym for the Higher Education Act of 1965, as amended, and codified at 20 [USCUSA](#) 1070 et seq.

"Half-time Student" – In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but fewer than twelve credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 682.200.

"Holder" – An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" – The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" – The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" – For the purposes of ISAC's rules, an independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 [USCUSA](#) 1087vv.)

"Institution" – Unless otherwise qualified, any secondary or postsecondary

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educational organization which enrolls students who participate in ISAC programs.

"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois ~~that~~^{which}:

provides at least a two-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State, or

publicly or privately, not for profit, or

for profit, provided it:

Offers degree programs which have been approved by the IBHE for a minimum of three years under the Academic Degree Act, and

enrolls a majority of its students in these degree programs, and

maintains accredited status with the North Central Association of Colleges and Schools Higher Learning Commission.

For otherwise eligible educational organizations which provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act). For eligible institutions with campuses in multiple states, the term "institution of higher learning" shall include only those campuses located in Illinois.

"Institution of Record" – The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary

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responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" – The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs.

"ISBE" – The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" – An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" – The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" – The acronym for the Monetary Award Program administered by ISAC, as authorized by 110 ILCS 947/35 and codified at 23 Ill. Adm. Code 2735.

"Master Check" – A single check representing the loan proceeds for more than one borrower.

"Minority Student" – *A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).*

"Parent" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2.

"Pell Grant" – A federal gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended.

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(See 20 [USCUSA](#) 1070a et seq.)

"PLUS" – The federal program which provides loans to parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 [USCUSA](#) 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Police Officer" – For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" – An individual who meets the eligibility requirements of the gift assistance program for which she/he is applying.

"Regular School Year" – An eight to nine month period of time which includes two semester terms or three quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" – The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" –

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding two paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of

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an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following four paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parents' temporary physical absence from Illinois provided the parents would be a resident of Illinois under the preceding two paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

"Rules" – The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" – An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 [USCUSA](#) 1091.)

"Service Academy" – *The U.S. Air Force Academy, the U.S. Coast Guard*

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Academy, the U.S. Military Academy or the U.S. Naval Academy (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" – The acronym for the federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act, as amended (20 [USCUSCA](#) 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" – A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" – The federal subsidized and unsubsidized loan programs as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 [USCUSCA](#) 1078).

"Student Beneficiary" – An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" – An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a teacher education program.

"Teacher Shortage Discipline" – An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Telecommunications Course" – A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

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"Term" – A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" – The charge for instruction assessed by an institution.

"Verification" – Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules.

(Source: Amended at 30 Ill. Reg. 11600, effective July 1, 2006)

Section 2700.30 General Institutional Eligibility Requirements

- a) ISAC Program Participation Agreement
 - 1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.
 - 2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.
 - 3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.
 - 4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.
- b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.
- c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)
- d) Postsecondary institutions which participate in gift assistance programs shall

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annually submit to ISAC a copy of their tuition refund policy. Such submissions shall not be considered ISAC approval of such policies.

- e) Postsecondary institutions which participate in gift assistance programs shall annually report their tuition and fee charges, as well as initial MAP advance payment requests, to ISAC on or before June 1 preceding each academic year.
- 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.
 - 2) The report shall match specific fee charges with the gift assistance programs which may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.
 - 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.~~30(a)~~~~40(e)~~ and 2733.~~30(e)~~~~20(f)~~.)
 - A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee which is attributable to tuition expenses may be financed with program benefits.
 - B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.
- f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.
- g) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.
- h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.
- i) Postsecondary institutions may apply to participate in ISAC gift assistance

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programs in accordance with this subsection.

- 1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.
- 2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)
- 3) Institutional applicants that are fully accredited by the North Central Association of Colleges and Schools Higher Learning Commission and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections (i)(4)(C) and (D).
- 4) Public or private not for profit institutional applicants that do not meet the requirements of subsection (i)(3) may be approved to participate in ISAC gift assistance programs if the institution has:
 - A) obtained candidate status for North Central accreditation.
 - B) applied for and is seeking degree-granting authority.
 - C) obtained at least three letters indicating the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions which are approved to participate in the Monetary Award Program (MAP) and are accredited by the North Central Association of Colleges and Schools Higher Learning Commission.
 - D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.
- 5) Institutional applicants must also supply ISAC with audited financial

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statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)

- 6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of five academic years. An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.
- j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see Section 487 of the Higher Education Act of 1965, as amended (20 [USCUSA](#) 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.
- k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
- l) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes associated with the same main OPE-ID number will not be considered separate entities.
- m) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.
- n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

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(Source: Amended at 30 Ill. Reg. 11600, effective July 1, 2006)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of applicant eligibility is the responsibility of both the institution and ISAC.
- b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Citizenship and Immigration Services Bureau (USCIS), Illinois Department of [Healthcare and Family Services](#)~~Public Aid~~, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) When requesting payment for ISAC gift assistance programs, the postsecondary institution must certify that the applicants are eligible for the assistance. If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.
- d) When requesting payment of benefits, institutions shall certify (in accordance with ISAC's rules and/or federal regulations) whether an applicant is eligible based upon enrollment in a particular academic program.
- e) If an institution erroneously certifies an applicant to be eligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the institution to be eligible for ISAC assistance at that institution.
- f) If an applicant is selected for verification in conjunction with federal student assistance, that applicant shall also be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.
- g) Because ED verification procedures do not include procedures for verifying a student as a resident of Illinois, the following provisions shall be followed by the

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institution.

- 1) Residency status shall be verified if the institution has any information that indicates the applicant may not be a resident of Illinois.
- 2) Residency status shall be verified for each applicant who is selected for verification and has changed dependency status to become an independent student.
- 3) Residency ~~Notwithstanding the requirements of subsection (g)(2), residency~~-verification shall not be required for an applicant~~students~~ who received payment of a MAP award during the previous academic year.
- 2) ~~Residency status shall be verified for each applicant who is selected for verification and meets one of the following criteria:~~
 - A) ~~the applicant has changed dependency status and has become an independent student; or~~
 - B) ~~the applicant has not been enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) during the preceding 12 months.~~
- 3) ~~Residency status shall be verified if the institution has any information which indicates the applicant may not be a resident of Illinois.~~
- 4) Residency verification shall not be required for an applicant who was enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) for the preceding consecutive 12 months prior to the start of the academic year for which assistance is requested.
- 5) Data from one or more of the documents listed below may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant 12~~twelve~~ continuous, full months.
 - A) A valid State or federal income tax return

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- B) Illinois high school or college transcript
 - C) Illinois driver's license
 - D) Utility or rent bills in the applicant's (or parent's) name
 - E) Illinois auto registration card
 - F) Residential lease in the applicant's (or parent's) name
 - G) Wage and tax statements (IRS Form W-2)
 - H) Statement of benefits history from the Illinois Department of [Healthcare and Family Services](#)~~Public Aid~~
 - I) State of Illinois identification card issued by the Secretary of State
 - J) Statement of benefits from the Illinois Department of Employment Security
 - K) Statement of benefits from the Social Security Administration
 - L) Illinois voter's registration card
 - M) Property tax bill.
- 65) If an applicant is a resident of Illinois, but the institution cannot document this fact ~~in accordance with subsection (g)(2)~~, the applicant or the institution may verify residency through ISAC's appeal process. (See Section 2700.70.)
- h) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility in an academic year, the verification process must be completed before the institution may request payment.
 - i) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F,

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of the Higher Education Act of 1965, as amended (20 [USCUSCA](#) 1087kk et seq.), the institution shall retain documentation which demonstrates the appropriateness of [thesueh](#) adjustment.

(Source: Amended at 30 Ill. Reg. 11600, effective July 1, 2006)

Section 2700.70 Appeal Procedures

- a) Complainants (including applicants, institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days after and including the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days after and including the date of an administrative decision, including administrative decisions rendered under subsections (d) and (e) of this Section, the complainant forfeits all appeal rights.
- b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific [issuesissue\(s\)](#) to be reviewed. Each complainant shall be sent a written response within 15 working days after and including the date of receipt of their appeal.
 - 1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If ISAC is not able to make a determination based on the information provided, the complainant may be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC correspondence).
 - 2) The standard of review is whether, based on the manifest weight of the evidence, the administrative [decisiondecision\(s\)](#) being appealed is consistent with statutes, rules and regulations relevant to the issue appealed.
- c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50(g)(4) (Illinois residence) and 23 Ill. Adm. Code 2760.40(a) (State Scholar designations), applicant appeals shall not be written or submitted by a lender or an institution. A lender or an institution may advise an applicant on appeal issues and opportunities.
- d) The complainant shall submit an appeal directly to the appropriate ISAC manager. An appeal may be pursued through the appropriate sequence of ISAC's

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administrative levels culminating with an appeal to the Executive Director. (See 2 Ill. Adm. Code 5375.Appendix A, Organization Chart.)

- e) Adjudicatory hearings are available for complainants who have first used the procedures of subsection (d) of this Section. A hearing shall be requested, in writing, within 60 days after the date of the Executive Director's appeal decision.
- 1) Within 30 days after the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in accordance with 23 Ill. Adm. Code 2790.140, Hearings.
 - 2) The independent hearing officer shall issue a decision based upon what transpired at the hearing, in accordance with and subject to 23 Ill. Adm. Code 2790.70, Decisions.
- f) The hearing officer's disposition, as provided for by 23 Ill. Adm. Code 2790.70(c)(e), is considered the final administrative decision as defined by the Administrative Review Law [735 ILCS 5/Art. III]. The complainant shall be sent written notice of the final administrative decision within ten working days after the disposition of the appeal.

(Source: Amended at 30 Ill. Reg. 11600, effective July 1, 2006)

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- 1) Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2730.20	Amendment
2730.30	Amendment
2730.40	Amendment
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)]
- 5) Effective date of Amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these 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: February 17, 2006; 30 Ill. Reg. 2142
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposed and final version: Clarified that requests for summer term payments must be received by July 31st. The only other changes made were non-substantive.
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout

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our programmatic rules in order to make them easier for our clients to use. ISAC adopts the following substantive amendments:

Adopted amendments to Section 2730.20(a) clarify the application deadlines for the program. A clarification is adopted in Section 2730.20(a)(2) requiring the Illinois Department of Military Affairs to report to ISAC changes to a Illinois National Guard grant recipient's National Guard status. An amendment to Section 2730.20(c) reflects a statutory change contained in Public Act 94-583, which removes the prohibition on National Guard officers receiving the grant. In Section 2730.30(d), an amendment further clarifies that grant funds are limited to use at Illinois public postsecondary institutions. Section 2730.30(l) incorporates the statutory requirement that states if a recipient's duty obligations are not met, then all funds received must be repaid. Sections 2730.30(f) and (f)(2) are amended to incorporate the statutory change from Public Act 94-583 that extends use of the grant to cover enrollment during summer terms. In addition, language in 2730.30(f)(4) is revised to clarify that refunds will be made according to the postsecondary institution's refund policy.

Driven by the State Comptroller's lapse period deadline of August 31st for processing of payment vouchers, language is added to Section 2730.40(d) to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and the Illinois Veteran Grant program and is also being adopted for other ISAC programs to bring about standardization in payment request processing.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2730
ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

Section	
2730.10	Summary and Purpose
2730.20	Applicant Eligibility
2730.30	Program Procedures
2730.40	Institutional Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. 9148, effective July 1, 2000; amended at 25 Ill. Reg. 8406, effective July 1, 2001; amended at 26 Ill. Reg. 10013, effective July 1, 2002; amended at 27 Ill. Reg. 10338, effective July 1, 2003; amended at 29 Ill. Reg. 9904, effective July 1, 2005; amended at 30 Ill. Reg. 11623, effective July 1, 2006.

Section 2730.20 Applicant Eligibility

- a) Students must file an application annually indicating the institution to be attended. No payment will be authorized for any applicant until a current application is on file. The deadline for applications will be October 1 for [consideration for all terms](#)~~first term~~, March 1 for [consideration for](#) second semester/second and third quarter [and summer](#), and June 15 for [consideration for](#) the summer term [only](#).

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- 1) Qualified applicants will receive an eligibility letter from ISAC for each academic year following the filing of the application. Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and
 - 2) ISAC will verify application data in consultation with the Illinois Department of Military Affairs ([DMAIL](#)) when reviewing an application. [Changes to a recipient's National Guard status must be reported to ISAC by DMAIL.](#)
- b) A qualified applicant must:
- 1) be in active status in the Illinois Army or Air National Guard and have served for at least one year in the Illinois National Guard; or
 - 2) have been active in the Illinois National Guard for at least five consecutive years and had his or her studies interrupted by being called to federal active duty for at least six months, and be within the 12 month period immediately following his or her discharge from the Illinois National Guard.
- c) Eligibility is not available to ~~any such enlisted person or company grade officer, including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard, except for~~ those persons who are members of the inactive Illinois National Guard.
- d) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- e) Changes of address, name, status with the Illinois National Guard or institution of attendance must be reported in writing to ISAC.

(Source: Amended at 30 Ill. Reg. 11623, effective July 1, 2006)

Section 2730.30 Program Procedures

- a) The recipient is exempt from paying the following:
- 1) tuition;
 - 2) registration fees;

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- 3) graduation fees; and
 - 4) general activity fees.
- b) The recipient is responsible for payment of other fees, including the following:
- 1) book rental fees;
 - 2) laboratory and supply fees;
 - 3) air flight fees;
 - 4) hospital and health insurance fees;
 - 5) room and board;
 - 6) parking fees;
 - 7) student union fees;
 - 8) athletic fees; and
 - 9) proficiency or placement exams and other similar fees.
- c) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement. Benefits are applicable for noncredit courses.
- d) Benefits are limited to use only~~may be used~~ at Illinois public senior universities and at any Illinois public community college.
- e) Within the constraints of appropriation levels, two semester or three quarter term payments and one summer term payment are made directly to the institution after it officially certifies to ISAC that the applicant has registered and is attending classes. No seminars or other special terms are covered under the grant. Summer term is considered the final term of the academic and fiscal year.
- f) Benefits are limited to~~Recipients are entitled to receive benefits for~~ the equivalent of four academic years ~~eight semesters/twelve quarters~~ of full-time enrollment.

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- 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

- 2) Recipients may continue to reapply and accumulate up to [12096](#) units, after which point eligibility for program benefits will cease. However, full program benefits may be extended for one additional term if the recipient has accumulated fewer than [12096](#) eligibility units but does not have enough units remaining for the number of hours in which she/he is enrolled for the term.
- 3) If an eligible recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
- 4) In the event that the recipient withdraws from a course or courses prior to the end of a term, [a refund will be made according to the institution's refund withdrawal policy and eligibility units will be adjusted accordingly. eligibility units will be assessed in proportion to the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.](#)
~~Example: A recipient is enrolled for twelve semester hours at a cost of \$600. The recipient withdraws from enrollment and incurs expenses of \$300 in accordance with the institution's tuition refund policy. The recipient would use six eligibility units and would receive \$300 in benefits.~~
- 5) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of total faculty contact hours.

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- g) If a current year applicant is discharged, transferred to the inactive Illinois National Guard, or has membership extended by the Illinois National Guard, ISAC will send a revised eligibility letter or ineligibility letter to the applicant. In the case of discharge, a copy of the letter will be sent to the institution of record.
- h) Except as otherwise provided in this Part, if a recipient ceases to be an active status member of the Illinois National Guard during a term, benefits cease, and the student is responsible for the unpaid costs attributed to the remainder of the term. If an applicant becomes eligible during a term, in accordance with Section 2730.20(b), benefits will be prorated for that portion of the term for which the applicant is eligible, provided the application is submitted by the deadlines. Costs are prorated on the basis of the institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.

Calculation: Total tuition cost divided by total instructional days = cost per day x days of eligibility = total proration.

- i) If the recipient of a grant awarded under this Part ceases to be a member of the Illinois National Guard, but has been active in the Illinois National Guard for at least five consecutive years and had his or her studies interrupted by being called to federal active duty for at least six months, then that recipient shall continue to be eligible for a grant for one year after his or her discharge from the Illinois National Guard, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of four years of full-time enrollment under this Part.
- j) Out-of-state residents will receive tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition.
- k) If a student is eligible for both an Illinois National Guard Grant and a MAP grant, the Illinois National Guard benefits must be used first. A student cannot decline an Illinois National Guard Grant in favor of using MAP.
- l) [If a recipient of the grant fails to complete his or her military obligation according to the agreement, all proceeds received must be repaid to the Illinois Department](#)

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[of Military Affairs. DMAIL will collect the funds, which will be used by ISAC for the purpose of this Part.](#)

(Source: Amended at 30 Ill. Reg. 11623, effective July 1, 2006)

Section 2730.40 Institutional Procedures

- a) The institution must establish a qualified applicant's initial eligibility before requesting payment from ISAC. A valid Illinois National Guard Grant eligibility letter may be used for this purpose.
- b) When submitting payment requests, the institution shall certify that the recipient meets the requirements of Section 2730.20(c), Applicant Eligibility.
- c) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.
- d) Payment information will be sent each term to the institution no earlier than the application deadline date for that term. Payment claims must be submitted no later than 30 calendar days after payment information has been sent to the institution by ISAC. Supplemental payment claims must be submitted to ISAC no later than 45 calendar days after the original payment information was sent to the institution with the exception of summer term supplements which must be submitted by the same deadline as the original payment claim for summer term. All payment claims received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through August 31) following the conclusion of the fiscal year. [To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.](#)
- e) Claims will be paid as follows:
 - 1) first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;
 - 2) if funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are

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insufficient to pay all such claims in full;

- 3) if funds still remain after the preceding claims are paid, summer term claims received by the designated deadline date will be paid, or prorated if remaining funds are insufficient to pay all summer claims in full; and
 - 4) in the event that funds are not exhausted by summer term payments, claims received after the designated deadline dates will be paid or prorated.
 - 5) Timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection.
- f) Payments on behalf of a recipient will be made to only one institution per term. For any institution that has a concurrent registration opportunity, the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 Ill. Adm. Code 2735.40(h).)
- g) Institutions are required to reconcile payments received through this program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.

(Source: Amended at 30 Ill. Reg. 11623, effective July 1, 2006)

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- 1) Heading of the Part: Grant Program for Dependents of Correctional Officers
- 2) Code Citation: 23 Ill. Adm. Code 2731
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2731.30	Amendment
2731.40	Amendment
- 4) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)]
- 5) Effective date of Amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these 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: February 17, 2006; 30 Ill. Reg. 2151
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposed and final version: Clarified that requests for summer term payments must be received by July 31st. The only other changes made were nonsubstantive.
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules in order to make them easier for our clients to use. In addition to

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making minor technical changes in this Part, ISAC adopts the following substantive amendments:

In Section 2731.30(b) a procedural clarification is adopted requiring students to indicate at the time of application the name of the institution they will be attending. More definitive dates are adopted for Section 2731.30(c) to align the application deadline with dates used in other ISAC programs. Section 2731.30(e)(1) is amended to clarify that the grant will cover the difference in cost for courses taken at an out-of-district institution that are not offered at a recipient's in-district institution. Additionally, Section 2731.30(o)(4) is amended to clarify that claims for the difference between in-district and out-of-district charges will be considered for payment at the same time as other timely claims, rather than only if funds remain.

Driven by the State Comptroller's lapse period deadline of August 31st for processing of payment vouchers, language for Section 2731.40(c)(6) incorporates a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and the Illinois Veteran Grant program and is also adopted for other ISAC programs to bring about standardization in payment request processing.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
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The full text of the Adopted Amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2731

GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

Section

2731.10	Summary and Purpose
2731.20	Applicant Eligibility
2731.30	Program Procedures
2731.40	Institutional Procedures

AUTHORITY: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. 10559, effective July 1, 1993; amended at 18 Ill. Reg. 10299, effective July 1, 1994; amended at 20 Ill. Reg. 10183, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11100, effective July 18, 1997; amended at 30 Ill. Reg. 11632, effective July 1, 2006.

Section 2731.30 Program Procedures

- a) All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled correctional officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.
 - 1) The physician's statement must certify that there is a mental or physical condition that is reasonably certain to continue throughout the lifetime of the correctional officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.
 - 2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.

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- b) Once eligibility has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis. Also, students must indicate the institution to be attended.
- c) The deadline for applications will be October 1 for consideration for all terms, March 1 for consideration for second semester/second and third quarter and summer term, and June 15 for consideration for summer term only. Applications must be filed prior to the end of the academic year for which grant assistance is being requested.
- d) If an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.
- e) Grants are applicable toward tuition and mandatory fees.
- 1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and mandatory fees at that institution. This includes the difference between in-district and out-of-district tuition.
- 2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the cost of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.
- f) Notice of the grant award shall be sent to each recipient. Applicants not receiving awards will also be notified.
- g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study.
- h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which he or she/he was ineligible.
- i) Recipients receive payment through their institution of record.
- j) If a recipient withdraws from enrollment after the expiration of the tuition

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refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient had incurred such charges.

- k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.
- l) ISAC pays grant funds directly to the institution of record in the name of the recipient.
- m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- n) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.
- o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:
 - 1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;
 - 2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;
 - 3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and
 - 4) timely claims if funds are still available when the preceding claims have been paid in full, awards for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for charge backs will be considered for payment at the same time and in the same priority order as all other timely claims, in accordance with the provisions

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~~of this subsection (o) paid, or prorated if funds remaining are insufficient to pay all such grants in full.~~

(Source: Amended at 30 Ill. Reg. 11632, effective July 1, 2006)

Section 2731.40 Institutional Procedures

- a) The institution shall certify the applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- b) Institutional Packaging of Assistance:
 - 1) If the recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred by the student; and if it does, the institution shall reduce one of the awards accordingly;
 - 2) notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the student's cost of attendance for that institution. Any excess gift assistance is considered an overaward, and the institution is required to notify ISAC to reduce this grant and/or other gift assistance to prevent such an overaward; and
 - 3) if the recipient is eligible for assistance under MAP, the recipient may not be eligible for a full MAP grant because the grant for Dependents of Correctional Officers must be factored into the financial aid package prior to receiving MAP gift assistance. The institution, however, may request a MAP grant to finance tuition and mandatory fee expenses not paid by this program.
- c) Institutional Processing of Payments:
 - 1) When submitting payment requests, the institution shall verify that the recipient meets the requirements of Section 2731.20(a)(3) and (4), Applicant Eligibility.
 - 2) Within 30 days after and including the date of receiving payment, the institution shall credit the award toward the recipient's tuition and mandatory fee charges for the appropriate term.

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- 3) Institutions are required to reconcile payments received through this program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.
- 4) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper recipient.
- 5) If the institution does not submit refunds as required, ISAC will deduct outstanding refunds from subsequent payments to the institution.
- 6) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

(Source: Amended at 30 Ill. Reg. 11632, effective July 1, 2006)

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- 1) Heading of the Part: Grant Program for Dependents of Police or Fire Officers
- 2) Code Citation: 23 Ill. Adm. Code 2732
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2732.30	Amendment
2732.40	Amendment
- 4) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)]
- 5) Effective date of amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these 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: February 17, 2006; 30 Ill. Reg. 2158
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposed and final version: Clarified that requests for summer term payments must be received by July 31st. The only other changes made were non-substantive.
- 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 Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules in order to make them easier for our clients to use. In addition to

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making minor technical changes in this Part, ISAC adopts the following substantive amendments:

In Section 2732.30(b), a procedural clarification is adopted requiring students to indicate at the time of application the name of the institution they will be attending. More definitive dates are adopted for Section 2732.30(c) to align the application deadline with dates used in other ISAC programs. Section 2732.30(e)(1) is amended to clarify that the grant will cover the difference in cost for courses taken at an out-of-district institution that are not offered at a recipient's in-district institution. Additionally, Section 2732.30(o) is amended to clarify that claims for the difference between in-district and out-of-district charges will be considered for payment at the same time as other timely claims, rather than only if funds remain.

Driven by the State Comptroller's lapse period deadline of August 31st for processing of payment vouchers, language is adopted for Section 2732.40(c)(6) to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and the Illinois Veteran Grant program and is also adopted in other ISAC programs to bring about standardization in payment request processing.

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

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The full text of the Adopted Amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2732

GRANT PROGRAM FOR DEPENDENTS OF POLICE OR FIRE OFFICERS

Section

2732.10	Summary and Purpose
2732.20	Applicant Eligibility
2732.30	Program Procedures
2732.40	Institutional Procedures

AUTHORITY: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. 10620, effective July 1, 1993; amended at 18 Ill. Reg. 10342, effective July 1, 1994; amended at 20 Ill. Reg. 10191, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11090, effective July 18, 1997; amended at 30 Ill. Reg. 11639, effective July 1, 2006.

Section 2732.30 Program Procedures

- a) All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.
 - 1) The physician's statement must certify that there is a mental or physical condition that is reasonably certain to continue throughout the lifetime of the officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.
 - 2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.

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- b) Once eligibility has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis. Also, students must indicate the institution to be attended.
- c) The deadline for applications will be October 1 for consideration for all terms, March 1 for consideration for second semester/second and third quarter and summer term, and June 15 for consideration for the summer term only. Applications must be filed prior to the end of the academic year for which grant assistance is being requested.
- d) If an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.
- e) Grants are applicable toward tuition and mandatory fees.
- 1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and mandatory fees at that institution. This includes the difference between in-district and out-of-district tuition.
- 2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the costs of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.
- f) Notice of the grant award will be sent to each recipient. Applicants not receiving awards will also be notified.
- g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study.
- h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which he or she s/he was ineligible.
- i) Recipients receive payment through their institution of record.
- j) If a recipient withdraws from enrollment after the expiration of the tuition

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refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided that the institution's tuition refund policy indicates the recipient had incurred such charges.

- k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.
- l) ISAC pays grant funds directly to the institution of record in the name of the recipient.
- m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- n) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.
- o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:
 - 1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;
 - 2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;
 - 3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and
 - 4) timely claims if funds are still available when the preceding claims have been paid in full, awards for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for charge backs will be considered for payment at the same time and in the same priority order as all other timely claims, in accordance with the provisions of this subsection (o) paid, or prorated if funds remaining are insufficient to

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~~pay all such grants in full.~~

(Source: Amended at 30 Ill. Reg. 11639, effective July 1, 2006)

Section 2732.40 Institutional Procedures

- a) The institution shall certify the applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- b) Institutional Packaging of Assistance:
 - 1) If the recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred by the student; if it does, the institution shall reduce one of the awards accordingly;
 - 2) notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the student's cost of attendance at that institution. Any excess gift assistance is considered an overaward and the institution is required to notify ISAC to reduce this grant and/or other gift assistance to prevent such an overaward; and
 - 3) if the recipient is eligible for assistance under MAP, the recipient may not be eligible for a full MAP grant because the police or fire officer grant must be factored into the financial aid package prior to receiving MAP gift assistance. The institution, however, may request a MAP grant to finance tuition and mandatory fee expenses not paid by this program.
- c) Institutional Processing of Payments:
 - 1) When submitting payment requests, the institution shall verify that the recipient meets the requirements of Section 2732.20(a)(3) and (4), Applicant Eligibility.
 - 2) Within 30 days after and including the date of receiving payment, the institution shall credit the award toward the recipient's tuition and mandatory fee charges for the appropriate term.
 - 3) Institutions are required to reconcile payments received through this

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program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.

- 4) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper recipient.
- 5) If the institution does not submit refunds as required, ISAC will deduct outstanding refunds from subsequent payments to the institution.
- 6) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

(Source: Amended at 30 Ill. Reg. 11639, effective July 1, 2006)

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- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2733.10	Amendment
2733.30	Amendment
2733.40	Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)]
- 5) Effective date of amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these 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: February 17, 2006; 30 Ill. Reg. 2165
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposed and final version: Clarified that requests for summer term payments must be received by July 31st. The only other changes made were non-substantive.
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to

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increase the level of standardization in procedures, format and terminology throughout our programmatic rules in order to make them easier for our clients to use. ISAC adopts the following substantive amendments:

An amendment to Section 2733.30(b) is adopted to incorporate a statutory change that tightens the time frame for which an applicant has to notify the institution of his or her Illinois Veteran Grant (IVG) eligibility. Section 2733.30(d) is adopted to further clarify the type of institution at which the grant may be used. Adopted amendments to Section 2733.30(e) reflect the statutory changes contained in Public Act 94-583 that increase benefits for veterans to cover tuition and mandatory fees rather than limiting coverage to only the fees currently listed. In a corresponding change, new language is adopted for Section 2733.30(e)(2) to allow qualified applicants who currently receive grant benefits to cover non-mandatory fees to continue to receive these benefits as long as they are enrolled in a continuous program of study, as allowed for in statute.

Section 2733.30(g)(3) is amended to clarify that refunds will be made according to the institution's refund policy. An adopted amendment to Section 2733.30(g)(5) incorporates existing statutory language that stipulates if the U.S. Department of Veteran Affairs terminates or suspends educational benefits to veterans, assistance under ISAC's IVG program will also cease.

Section 2733.40(e) is amended to align the language with changes adopted in other ISAC programs in relation to the processing of payment requests, given the time frame ISAC must adhere to with the State Comptroller's office.

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

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The full text of these Adopted Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2733
ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section

2733.10	Summary and Purpose
2733.20	Applicant Eligibility
2733.30	Program Procedures
2733.40	Institutional Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003; emergency amendment at 28 Ill. Reg. 12932, effective September 15, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2462, effective February 1, 2005; amended at 29 Ill. Reg. 9912, effective July 1, 2005; amended at 30 Ill. Reg. 11646, effective July 1, 2006.

Section 2733.10 Summary and Purpose

- a) As described in this Part, eligible Illinois Veteran Grant (IVG) recipients are entitled to be exempt from paying tuition and certain fees at [Illinois](#) public

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postsecondary institutions. If appropriated Illinois Student Assistance Commission (ISAC) funds are insufficient to reimburse institutions for all eligible recipients, the obligation to pay is transferred to the institution.

- b) This Part establishes rules ~~that~~~~which~~ govern the IVG Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

(Source: Amended at 30 Ill. Reg. 11646, effective July 1, 2006)

Section 2733.30 Program Procedures

- a) An applicant must apply to ISAC for assistance under this Part. ISAC will issue a Notice of Eligibility to each qualified applicant.
- b) To receive an Illinois Veteran Grant, a qualified applicant must notify the institution of his or her eligibility ~~no later than~~~~within two months following~~ the last scheduled day of classes for the term for which a grant is requested.
- c) Benefits are applicable to both undergraduate and graduate enrollment. There are no minimum credit hour enrollment requirements and benefits are applicable for noncredit courses.
- d) Benefits ~~are limited to use only~~~~may be used to enroll~~ at Illinois public universities and Illinois public community colleges.
- e) ~~Costs~~~~Fees~~ exempted by the IVG:
- 1) The recipient is exempt from paying ~~costs as follows~~~~most fees, including~~:
 - A) tuition and ~~other instructional~~ fees that meet the definition of tuition (see 23 Ill. Adm. Code 2700.20);
 - B) ~~mandatory activity, air flight instructor and athletic~~ fees (see 23 Ill. Adm. Code 2700.20);
 - C) ~~matriculation, service and other registration type~~ fees;
 - D) ~~off-campus and other extension course~~ fees;
 - E) ~~application~~ fees;

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- F) ~~graduation and transcript fees;~~
 - G) ~~proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and~~
 - H) ~~health insurance fees.~~
- 2) A qualified applicant who has previously received benefits under this Part for a non-mandatory fee shall continue to receive benefits covering such fees while he or she is enrolled in a continuous program of study. The qualified applicant shall no longer receive a grant covering non-mandatory fees if he or she fails to enroll during an academic term, unless he or she is serving on federal active duty. The non-mandatory fees include the following:
- A) instructional fees not meeting the definition of tuition;
 - B) application fees;
 - C) graduation and transcript fees;
 - D) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees;
 - E) off-campus and other extension course fees;
 - F) air flight instructor and athletic fees; and
 - G) matriculation, service and other registration type fees.
- 2) ~~The recipient is responsible for payment of the following fees:~~
- A) ~~book rental fees;~~
 - B) ~~laboratory and supply fees;~~
 - C) ~~student union fees; and~~
 - D) ~~fees for the operation, maintenance or rental of any building,~~

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~~facility or equipment.~~

- f) Recipients attending out-of-district community colleges receive tuition and fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition.
- g) Benefits are limited to the equivalent of four academic years of full-time enrollment, which is measured in eligibility units. Recipients may accumulate up to 120 eligibility units.
- 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to eligibility units according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

- 2) Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 120 eligibility units but does not have enough units remaining for the number of hours in which s/he is enrolled for the term.
- 3) In the event that a recipient withdraws from a ~~course~~~~course(s)~~ prior to the end of a term, a refund will be made according to the institution's refund withdrawal policy and eligibility units will be adjusted accordingly. ~~eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.~~

~~Example: A recipient is enrolled for twelve semester hours at a cost of \$600. The recipient withdraws from enrollment and incurs expenses of \$300 in accordance with the institution's tuition refund policy. The~~

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~~recipient would use six eligibility units and would receive \$300 in benefits.~~

- 4) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of faculty contact hours.
- 5) If, for any reason, the U.S. Department of Veteran Affairs (VA) terminates or suspends a veteran educational benefits program, assistance under this Part shall cease six months following this action. This does not include veterans who have begun receiving educational benefits under this Part. In the event that the VA resumes terminated or suspended educational benefits, all current rules will be enforced.

(Source: Amended at 30 Ill. Reg. 11646, effective July 1, 2006)

Section 2733.40 Institutional Procedures

- a) If a student is eligible for both an IVG and a Monetary Award Program (MAP) grant, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.
- b) A notice of eligibility from ISAC must be used by the institution to establish a qualified applicant's initial eligibility.
- c) Institutions shall submit a payment request to ISAC. When submitting payment requests, the institution shall certify that the qualified applicant meets the requirements of Section 2733.20(d).
- d) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.
- e) The deadlines for submission of complete payment requests shall be September 15 for summer terms; January 15 for first term; and May 25 for second semester/second and third quarter. All claims, including supplemental claims, must be ~~received by ISAC no later than July 1~~~~submitted no later than August 1.~~ This will provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield prior to the State's fiscal year lapse period ending on August 31.

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- f) The reimbursement to institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, institutions will be reimbursed in accordance with this subsection:
- 1) summer term claims received by the deadline date designated in subsection (e) will be paid, or prorated if funding is insufficient to pay all claims in full;
 - 2) if funds remain after summer term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;
 - 3) if funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;
 - 4) if funds remain after second semester/second and third quarter claims are paid, claims received by ISAC after the designated deadline dates will be paid or prorated; and
 - 5) timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection (f).

(Source: Amended at 30 Ill. Reg. 11646, effective July 1, 2006)

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section Number: 2735.40 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) Effective date of Amendment: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this 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: February 17, 2006; 30 Ill. Reg. 2174
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Difference between proposed and final version: Clarified that requests for summer term payments must be received by July 31st. The only other changes made were nonsubstantive.
- 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 amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout

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our programmatic rules in order to make them easier for our clients to use. ISAC adopts the following substantive amendment:

Section 2735.40(m)(4) is amended to align the language with changes being adopted to the rules for other ISAC programs in relation to the processing of payment requests, given the time frame ISAC must adhere to with the State Comptroller's office.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2735
MONETARY AWARD PROGRAM (MAP)

Section

2735.10	Summary and Purpose
2735.20	Applicant Eligibility
2735.30	Program Procedures
2735.40	Institutional Procedures
2735.50	Advance Payment Option
2735.60	Contractual Agreement Requirements (Repealed)
2735.APPENDIX A	Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424, effective July 1, 2001; amended at 26 Ill. Reg. 10024, effective July 1, 2002; amended at 27 Ill. Reg. 10349, effective July 1, 2003; amended at 28 Ill. Reg. 10043, effective July 15, 2004; amended at 29 Ill. Reg. 9920, effective July 1, 2005; amended at 30 Ill. Reg. 11654, effective July 1, 2006.

Section 2735.40 Institutional Procedures

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- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:
 - 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
 - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.
- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP

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award and/or other gift assistance to prevent such an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.

- g) Institutions of higher learning shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2735.20, Applicant Eligibility.
- h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
 - 1) The recipient must indicate his/her institution of record on the MAP application.
 - 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institutions and the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution.
 - 3) The amount paid cannot exceed the maximum term award for students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
 - 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
 - 5) The recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.
- i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).
- j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.
- k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The

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institution of record shall credit these funds to the recipient's account.

- l) MAP grants are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.

- m) Institutional Processing of Payments
 - 1) Within 30 days after and including the date of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
 - 2) Institutions are required to reconcile payments received through MAP and, as applicable, submit all necessary corrections to student records on a timely basis. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term unless ISAC has already deducted outstanding refunds from institutional payment requests during the applicable fiscal year. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Refunds showing as owed to ISAC must be remitted within 30 days after the end of the institution's regular school year. Should the payment arrive after the end of the regular school year, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.
 - 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

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- 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31. ~~must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.~~
- 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

(Source: Amended at 30 Ill. Reg. 11654, effective July 1, 2006)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Silas Purnell Illinois Incentive For Access (IIA) Program
- 2) Code Citation: 23 Ill. Adm. Code 2736
- 3) Section Number: 2736.40 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)]
- 5) Effective date of Amendment: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this 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: February 17, 2006; 30 Ill. Reg. 2181
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Difference between proposed and final version: The only changes made were nonsubstantive.
- 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 amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules in order to make them easier for our clients to use. ISAC adopts the following substantive amendment:

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Section 2736.40(f)(2) is amended to align the language with changes adopted in the rules for other ISAC programs in relation to the processing of payment requests, given the time frame ISAC must adhere to with the State Comptroller's office.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2736

SILAS PURNELL ILLINOIS INCENTIVE FOR ACCESS (IIA) PROGRAM

Section

2736.10	Summary and Purpose
2736.20	Applicant Eligibility
2736.30	Program Procedures
2736.40	Institutional Procedures

AUTHORITY: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 10397, effective August 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 15067, effective November 15, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11110, effective July 18, 1997; amended at 22 Ill. Reg. 11095, effective July 1, 1998; amended at 24 Ill. Reg. 9144, effective July 1, 2000; amended at 25 Ill. Reg. 8402, effective July 1, 2001; amended at 26 Ill. Reg. 10033, effective July 1, 2002; amended at 27 Ill. Reg. 10358, effective July 1, 2003; amended at 28 Ill. Reg. 9147, effective July 1, 2004; amended at 30 Ill. Reg. 11661, effective July 1, 2006.

Section 2736.40 Institutional Procedures

- a) Claims for IIA-eligible students shall be submitted by the institution of record after the institution of record certifies to ISAC that the applicant meets the criteria listed in Section 2736.20, Applicant Eligibility.
- b) IIA grants are paid directly to the institution of record in two disbursements consisting of payments in an amount not to exceed \$500 each term.
- c) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. If a student is receiving both MAP and IIA and the gift assistance exceeds the cost of attendance, IIA should be used first and MAP should be reduced to prevent an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.
- d) For institutions with concurrent registration opportunities:

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- 1) the recipient must indicate his/her institution of record on the financial aid application;
 - 2) the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution;
 - 3) concurrent registration is limited to ISAC-approved institutions of higher learning; and
 - 4) the recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.
- e) If a qualified applicant withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the qualified applicant shall receive the IIA grant payment for that term.
- f) Institutional Processing of Payments
- 1) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
 - 2) To provide sufficient time for processing and vouchering through the State Comptroller's Office [in Springfield](#), all payment requests must be received by ISAC ~~no later than July 1~~ ~~no later than August 1 following the academic year due~~ ~~to the State's fiscal year lapse period ending August 31~~.
 - 3) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit. However, final action may require an institution to obtain payment for approved claims through the Illinois Court of Claims. (See the Court of Claims Act [705 ILCS 505].)
 - 4) Within 30 days after receiving payment of any IIA funds, the institution shall credit the recipient's account for the appropriate term.
 - 5) IIA award payments in the name of one recipient cannot be applied to another recipient at the same institution.

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- 6) Following receipt of IIA payments from ISAC for the term, an institution is required to reconcile its records. If the institution determines that refunds are due, they are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following the receipt of payment to complete the reconciliation process and return any funds due.
- 7) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional IIA payments.

(Source: Amended at 30 Ill. Reg. 11661, effective July 1, 2006)

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- 1) Heading of the Part: Robert C. Byrd Honors Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2755
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2755.30	Amendment
2755.40	Amendment
- 4) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) Effective date of Amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these 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: February 17, 2006; 30 Ill. Reg. 2186
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposed and final version: The date by which payment requests must be received was changed from Aug 1st to May 15th. The only other changes made were nonsubstantive.
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to

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increase the level of standardization in procedures, format and terminology throughout our programmatic rules in order to make them easier for our clients to use. ISAC adopts the following substantive amendments:

An amendment adopted in Section 2755.30(1)(1)(A) improves the data collected from secondary institutions used to identify an applicant's academic achievements, as required in Section 2755.10(a).

Driven by the State Comptroller's lapse period deadline of August 31st for processing of payment vouchers, language is added to Section 2755.40 to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, Silas Purnell Illinois Incentive for Access program, and Illinois Veteran Grant program and is also adopted in other ISAC programs to bring about standardization in payment request processing.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2755
ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

Section

2755.10	Summary and Purpose
2755.20	Applicant Eligibility
2755.30	Program Procedures
2755.40	Institutional Procedures
2755.APPENDIX A	Geographic Districts

AUTHORITY: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 USCA 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 19 Ill. Reg. 8386, effective July 1, 1995; amended at 20 Ill. Reg. 9244, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11211, effective July 18, 1997; amended at 22 Ill. Reg. 11162, effective July 1, 1998; amended at 24 Ill. Reg. 9195, effective July 1, 2000; amended at 27 Ill. Reg. 10377, effective July 1, 2003; amended at 30 Ill. Reg. 11666, effective July 1, 2006.

Section 2755.30 Program Procedures

- a) Applicant data for a Robert C. Byrd Honors Scholarship must be received in ISAC's Deerfield office on or before March 1 preceding the academic year for which the scholarship is being requested.
- b) Information on applying for the Robert C. Byrd Honors Scholarship is available for distribution to students at approved high schools in Illinois and offices of ISAC in Springfield, Chicago and Deerfield.
- c) If the applicant data are incomplete, notification shall be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the applicant will only be considered as of the date when the data are complete and received in ISAC's Deerfield office.
- d) Each year new and renewal Byrd applicants are to certify to ISAC that they meet

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eligibility requirements.

- e) Recipients must be enrolled on a full-time basis unless granted a postponement, waiver or interruption.
- f) A new recipient may postpone his or her initial enrollment for a maximum of 12 months.
- g) After the first year of full-time study, the recipient may request a waiver of the full-time enrollment requirement due to unusual circumstances for a maximum of 12 months.
 - 1) The request is to be submitted in writing to ISAC and any documentation must also be submitted.
 - 2) The circumstances under which an exception to the full-time enrollment requirement may be granted include:
 - A) the recipient's employment hours will not permit full-time enrollment;
 - B) the recipient has medical problems that will not permit full-time enrollment, as established by the sworn statement of a licensed physician;
 - C) the recipient is in his/her last semester of school and full-time enrollment is not required to complete the degree; or
 - D) the care of an immediate family member due to illness or incapacitation will not permit full-time enrollment.
 - 3) In order to receive a waiver of the full-time enrollment requirement, the recipient must be enrolled at least half-time.
- h) If the full-time enrollment requirement is waived, the Byrd award is prorated according to the number of hours the recipient is enrolled.
- i) After the first year of study, a recipient may interrupt his or her enrollment at an institution for a maximum of 12 continuous months.
 - 1) The request is to be submitted in writing to ISAC and any documentation

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must also be submitted.

- 2) The circumstances under which an interruption may be granted include:
 - A) the recipient's participation in a cooperative education or study abroad program;
 - B) the recipient is experiencing financial difficulties that will not permit continuous enrollment;
 - C) the recipient has medical problems that will not permit continuous enrollment; or
 - D) the recipient has family responsibilities that will not permit continuous enrollment.
- j) The scholar is not eligible to receive scholarship funds during the periods of postponement or interruption. The funds that would have been awarded to the scholar during that time period can be awarded to the scholar during a subsequent period of enrollment at an institution as an undergraduate student.
- k) A recipient who is subsequently determined to be ineligible shall repay ISAC the total amount of the funds received for the period during which s/he was ineligible.
- l) ISAC shall select new recipients from among the timely applicants by choosing the highest scoring qualified applicants on the basis of the following criteria:
 - 1) Academic Data. A qualified applicant's score shall be computed as follows:
$$\begin{aligned} &[(\text{number in class} \div \text{rank}) \times .05] \\ &+ [(\text{grade point average} \div \text{scale}) \times 100] \\ &+ (\text{Illinois Standard Test Score} \times 10) = \text{score} \end{aligned}$$
 - A) Rank in class, class size and non-weighted grade point average (GPA) shall be reported as of the end of the third semester prior to graduation from high school or its equivalent. An institution shall use the same class size and non-weighted GPA scale in reporting all of its applicants.

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- B) SAT I or ACT tests, which must be taken during the time frame identified for State Scholar eligibility (see 23 Ill. Adm. Code 2760.20(b)), shall be converted to the Illinois Standard Test Score as described in 23 Ill. Adm. Code 2760.30(b).
 - C) If more than one score is submitted, the highest score is used.
 - D) For applicants qualifying by virtue of their GED scores (see Section 2755.20(a)(4) of this Part), class rank shall be set at 5 out of 100 (top 5%) and average GED percentile rank shall be used in lieu of grade point average ÷ scale.
 - E) For those high schools that do not submit class ranks, the applicant scores shall be computed using number in class and rank as equal to one.
- 2) Geographic District. New Robert C. Byrd Honors Scholarships will be allocated within geographic districts in accordance with Appendix A of this Part. An applicant's county of residence shall be determined by his or her permanent home address.
- m) Scholarships will be awarded first to renewing applicants.
 - n) Scholarship funds are applicable towards an academic year of study.
 - o) New recipients are selected from each of the 15 geographic districts, and on an at-large basis, in accordance with the number of awards set forth in Appendix A to this Part. The at-large recipients shall be chosen from among the highest scoring non-selected qualified applicants statewide, regardless of their geographic district.
 - p) The total number of scholarships awarded in a given fiscal year is contingent upon available funding (see Section 419D of the Higher Education Act of 1965, as amended (20 USCA 1070d-34), Allocation Among States), notwithstanding the number of new scholarships outlined in Appendix A to this Part.
 - q) Recipients will be informed of their selection by the May 1 preceding the academic year for which the scholarship was requested.
 - r) High schools will be notified of the recipients attending their high school by May 1.

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- s) If an individual does not accept the offer of a new scholarship award, the next highest scoring qualified applicant not yet selected from the same geographic district will be chosen to receive a scholarship.
- t) Each year recipients shall complete an "Eligibility Certification" that includes certification statements required by ED.
- u) Scholarship funds shall be sent to the institution on behalf of the recipients.

(Source: Amended at 30 Ill. Reg. 11666, effective July 1, 2006)

Section 2755.40 Institutional Procedures

- a) An institution shall certify the qualified applicant's eligibility with its request for payment within the time frame specified by ISAC.
- b) Upon receipt of scholarship funds, the institution(s) shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit scholarship funds to the recipient's account for expenses due and payable. If the recipient withdraws from enrollment prior to completing the academic year of study, the institution shall return the amount of the scholarship to ISAC for the semester(s) or quarter(s) not attended.
- c) Refunds not submitted to ISAC will be deducted from payments for the subsequent academic year.
- d) If a scholar does not meet the requirements for continuing eligibility within an award year, scholarship funds will be suspended until the scholar demonstrates that s/he meets the eligibility requirements. The scholar is not eligible to receive scholarship funds during the period of suspension. If the suspension period exceeds 12 months, the scholar's eligibility will be terminated. If eligibility is reestablished within the 12-month period, scholarship funds will be disbursed only for remaining periods of eligibility. The funds not awarded during a period of suspension cannot be awarded to the scholar during a subsequent period of enrollment at an institution as an undergraduate student.
- e) The total amount of the Byrd Scholarship awarded to a recipient in any given academic year, when added to the other federal or state financial aid available to the recipient for that year, cannot exceed the student's cost of attendance.

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- 1) The amount of any federally guaranteed student loans should be decreased prior to reducing the amount of the Byrd Scholarship.
 - 2) A Monetary Award Program (MAP) grant should be decreased prior to reducing the amount of a Byrd Scholarship.
 - 3) The Byrd Scholarship should be decreased prior to reducing the amount of a Federal Pell Grant.
- f) Except as provided in subsection (e) of this Section, a recipient may receive up to \$1500 for each academic year, up to a maximum of four years of study. Scholarship payment is subject to the limit of available federal funding.
- g) Out-of-state institutions that are eligible to participate in Title IV federal student financial aid programs need not execute a Program Participation Agreement with ISAC to receive funds on behalf of recipients.
- h) [To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received no later than May 15.](#)

(Source: Amended at 30 Ill. Reg. 11666, effective July 1, 2006)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Merit Recognition Scholarship (MRS) Program
- 2) Code Citation: 23 Ill. Adm. Code 2761
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2761.10	Amendment
2761.40	Amendment
- 4) Statutory Authority: Implementing Section 31 and authorized by Section 31(h) of the Higher Education Student Assistance Act [110 ILCS 947/31 and 31(h)]
- 5) Effective date of Amendments: July 1, 2006
- 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: February 17, 2006; 30 Ill. Reg. 2194
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposed and final version: Clarifies that requests for summer term payments must be received by July 31st. The only other changes made were nonsubstantive.
- 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 an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology

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throughout our programmatic rules in order to make them easier for our clients to use. ISAC adopts the following substantive amendments:

To conform with 110 Illinois Compiled Statute 947.31(f), language is adopted in Section 2761.10(a) stating that the names and addresses of Merit Recognition Scholarship recipients are a matter of public record.

Driven by the State Comptroller's lapse period deadline of August 31st for processing of payment vouchers, language is added to Section 2761.40 to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and the Illinois Veteran Grant program and is also being adopted in other ISAC programs to bring about standardization in payment request processing.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2761
MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section	
2761.10	Summary and Purpose
2761.20	Applicant Eligibility
2761.30	Program Procedures
2761.40	Institutional Procedures

AUTHORITY: Implementing Section 31 and authorized by Section 31(h) of the Higher Education Student Assistance Act [110 ILCS 947/31 and 31(h)].

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990; amended at 16 Ill. Reg. 11290, effective July 1, 1992; amended at 17 Ill. Reg. 10579, effective July 1, 1993; amended at 18 Ill. Reg. 10318, effective July 1, 1994; amended at 20 Ill. Reg. 9215, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11166, effective July 18, 1997; amended at 22 Ill. Reg. 11135, effective July 1, 1998; amended at 23 Ill. Reg. 7587, effective July 1, 1999; amended at 24 Ill. Reg. 9176, effective July 1, 2000; amended at 30 Ill. Reg. 11674, effective July 1, 2006.

Section 2761.10 Summary and Purpose

- a) The Merit Recognition Scholarship (MRS) Program encourages and rewards the distinguished academic achievement of Illinois high school graduates, without regard to financial need. The scholarship is a \$1000 award which must be used for enrollment at an institution of higher learning or any service academy. [The names and addresses of MRS recipients are a matter of public record.](#)
- b) This Part establishes rules which govern the MRS Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

(Source: Amended at 30 Ill. Reg. 11674, effective July 1, 2006)

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Section 2761.40 Institutional Procedures

- a) The application form constitutes the institution's request for payment of first term benefits. Institutions shall submit a payment request for payment of subsequent terms.
- b) When requesting payment of scholarship funds, the institution shall certify that the recipient is: a U.S. citizen or eligible noncitizen; a resident of Illinois; of good moral character; accepted for enrollment on at least a half-time basis; not the recipient of a baccalaureate degree.
- c) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status. If the recipient is enrolled, the institution may credit the funds to the recipient's account for expenses due and payable. The balance of the funds shall be released to the recipient.
- d) If the recipient has withdrawn from enrollment or drops to less than half-time enrollment prior to receiving funds, the institution shall notify ISAC to prevent payment processing or, if funds have been received by the institution, the institution shall return the full amount of the funds to ISAC.
- e) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

(Source: Amended at 30 Ill. Reg. 11674, effective July 1, 2006)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Minority Teachers Of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2763.20	Amendment
2763.30	Amendment
2763.40	Amendment
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)]
- 5) Effective date of Amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these 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: February 17, 2006; 30 Ill. Reg. 2198
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: The only changes made were non-substantive.
- 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 rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout

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our programmatic rules in order to make them easier for our clients to use. ISAC adopted the following substantive amendments:

Section 2763.30(i) is amended to incorporate a provision of Public Law 94-133, which provides recipients with an additional exception to the teaching requirement when they are concurrently fulfilling the requirement associated with other programs administered by ISAC.

A change to Section 2763.40(b) establishes a time frame for institutions to submit eligibility information on qualified applicants to ISAC. The previous lack of such a time frame caused difficulty in re-awarding non-appropriated funds and led to the loss of awards to other deserving students.

Driven by the State Comptroller's lapse period deadline of August 31 for processing of payment vouchers, language is added to Section 2763.40(h) to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and the Illinois Veteran Grant program and is also adopted for other ISAC programs to bring about standardization in payment request processing.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

The full text of these Adopted Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2763

MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section	
2763.10	Summary and Purpose
2763.20	Applicant Eligibility
2763.30	Program Procedures
2763.40	Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 30, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; amended at 20 Ill. Reg. 9221, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. 9181, effective July 1, 2000; amended at 27 Ill. Reg. 10385, effective July 1, 2003; amended at 28 Ill. Reg. 9155, effective July 1, 2004; amended at 29 Ill. Reg. 9934, effective July 1, 2005; amended at 30 Ill. Reg. 11678, effective July 1, 2006.

Section 2763.20 Applicant Eligibility

- a) A qualified applicant shall be:
 - 1) a minority student;
 - 2) a resident of Illinois;
 - 3) a citizen or permanent resident of the United States;
 - 4) a high school graduate or a General Educational Development (GED)

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certificate recipient;

- 5) enrolled or accepted for enrollment on at least a half-time basis;
 - 6) a student at an institution of higher learning;
 - 7) enrolled or accepted for enrollment in a course of study which, upon completion, qualifies the student to be certified as a preschool, elementary or secondary school teacher by the Illinois State Board of Education, including alternative teacher certification;
 - 8) maintaining a cumulative grade point average of no less than 2.5 on a 4.0 scale; and
 - 9) maintaining satisfactory academic progress as determined by the institution.
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), Illinois Future Teacher Corps Program~~TEACH Teacher Shortage Scholarship Program~~ (23 Ill. Adm. Code 2764), ~~or~~ the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), or the Teach Illinois Scholarship Program (23 Ill. Adm. Code 2768), the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 30 Ill. Reg. 11678, effective July 1, 2006)

Section 2763.30 Program Procedures

- a) A completed ISAC application for the MTI Scholarship Program must be postmarked on or before March 1 immediately preceding the regular school year for which the scholarship is being requested, in order to receive priority consideration for an award.
 - 1) Applications are available from qualified institutions of higher learning, ISAC's Web site, Illinois State legislative and Illinois Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will make renewal applications available to all qualified students who were awarded MTI Scholarships during the preceding regular school year.

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- 3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- b) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants. *If the Commission does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award 30% of the funds appropriated for these scholarships to qualified male minority applicants, then the Commission may award a portion of the reserved funds to qualified female minority applicants.* [110 ILCS 947/50]
- c) Notwithstanding the provisions of subsection (b) of this Section, awards will be made first to renewing applicants.
- d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
- e) Scholarship funds are applicable towards up to two semesters/three quarters of study within a regular school year.
- f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) of this Section and on the basis of the dates that the completed applications are received in ISAC's Deerfield office. However, preference may be given to qualified applicants enrolled at or above the junior level.
- g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their GED certificates.
- h) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

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- 1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) the recipient shall begin teaching within one year following the completion of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required period of time;
 - 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- i) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2763.30(h) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at

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a school that satisfies the criteria set forth in subsection (h)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; ~~or~~

5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; ~~or-~~

6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.

j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:

- 1) serves, for not more than three years, as a member of the United States Armed Forces;
- 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
- 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact;
- 4) withdraws from a course of study leading to certification as a teacher but is enrolled full-time in another academic discipline; or
- 5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.

k) During the time a recipient qualifies for any of the extensions listed in subsection (j) of this Section, he or she shall not be required to make payments and interest shall not accrue.

l) A recipient shall enter repayment status on the earliest of the following dates:

- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course

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of study;

- 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- m) A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

(Source: Amended at 30 Ill. Reg. 11678, effective July 1, 2006)

Section 2763.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment, within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the regular school year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.
- g) Scholarship Amount
- 1) MTI scholarships are applicable only toward tuition and fees and room and board charges or commuter allowances, if applicable.
 - 2) The annual scholarship amount shall be computed by the institution and must be the lesser of:
 - A) tuition and fees plus room and board expenses charged by the institution;
 - B) tuition and fees plus the standard commuter allowance for students living off-campus; or
 - C) \$5000.
 - 3) The total amount of MTI scholarship assistance awarded to a qualified applicant in a given regular school year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
 - 4) A qualified applicant may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the MTI scholarship.
- h) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than July 1.

(Source: Amended at 30 Ill. Reg. 11678, effective July 1, 2006)

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- 1) Heading of the Part: Illinois Future Teacher Corps (IFTC) Program
- 2) Code Citation: 23 Ill. Adm. Code 2764
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2764.20	Amendment
2764.30	Amendment
2764.40	Amendment
- 4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)]
- 5) Effective date of Amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these 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: February 17, 2006; 30 Ill. Reg. 2207
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Difference between proposed and final version: Clarified that requests for summer term payments must be received by July 31st. The only other changes made were nonsubstantive.
- 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 Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to

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clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules in order to make them easier for our clients to use. In addition to making minor technical changes in this Part, ISAC adopted the following substantive amendments:

Amendments to Section 2764.30(l) bring about statutory changes included in Public Law 94-133, which provide additional exceptions to the teaching requirement for recipients enrolled in postsecondary institutions and taking courses necessary to become teachers, or when they are concurrently fulfilling the requirement associated with other programs administered by ISAC.

A change to Section 2764.40(b) establish a time frame for institutions to submit eligibility information on qualified applicants to ISAC. The previous lack of such a time frame cause difficulty in re-awarding non-appropriated funds and led to the loss of awards to other deserving students.

Driven by the State Comptroller's lapse period deadline of August 31st for processing of payment vouchers, language is added to Section 2763.40(h) to incorporate a deadline by which postsecondary institutions must submit all payment requests to ISAC. Similar language already resides in ISAC's administrative rules for the Monetary Award Program, the Silas Purnell Illinois Incentive for Access program, and the Illinois Veteran Grant program and is also being adopted for other ISAC programs to bring about standardization in payment request processing.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

The full text of these Adopted Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2764
ILLINOIS FUTURE TEACHER CORPS (IFTC) PROGRAM

Section

2764.10	Summary and Purpose
2764.20	Applicant Eligibility
2764.30	Program Procedures
2764.40	Institutional Procedures

AUTHORITY: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; old Part repealed at 21 Ill. Reg. 11027 and new Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. 9095, effective July 1, 2000; amended at 27 Ill. Reg. 10395, effective July 1, 2003; emergency amendment at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1749, effective January 25, 2004; amended at 28 Ill. Reg. 9162, effective July 1, 2004; amended at 30 Ill. Reg. 11687, effective July 1, 2006.

Section 2764.20 Applicant Eligibility

- a) *A qualified applicant shall be:*
- 1) *a United States citizen or eligible noncitizen;*
 - 2) *a resident of Illinois;*
 - 3) *a high school graduate or a person who has received a General Educational Development (GED) Certificate;*
 - 4) *enrolled, or accepted for enrollment, at or above the junior level, on at least a half-time basis at an Illinois institution of higher learning; and*

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 5) *pursuing a postsecondary course of study leading to initial teacher certification or taking additional courses needed to gain Illinois State Board of Education (ISBE) approval to teach, including alternative teacher certification* [110 ILCS 947/52].
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship Program (23 Ill. Adm. Code 2763), ~~or~~ the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), **or the Teach Illinois Scholarship (23 Ill. Adm. Code 2768)**, the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 30 Ill. Reg. 11687, effective July 1, 2006)

Section 2764.30 Program Procedures

- a) All applicants must complete and file the form which the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) which is used as a selection criterion for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 [USCUSA](#) 1070a).)
- b) A completed ISAC application for the IFTC Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.
- 1) ISAC applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will make renewal applications available to all qualified students who were awarded assistance under this Part during the preceding academic year.
 - 3) If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete

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and received at ISAC's Deerfield office.

- c) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:
 - 1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale;
 - 2) Expected Family Contribution (EFC), from the lowest to the highest;
 - 3) minority students shall receive priority consideration; and
 - 4) recipients of assistance under this Part during the previous academic year shall receive first priority consideration provided the student:
 - A) continues to maintain a cumulative grade point average of no less than 2.5 on a 4.0 scale;
 - B) maintains his or her status as a qualified applicant, as outlined in Section 2764.20(a) of this Part, Applicant Eligibility;
 - C) maintains satisfactory academic progress as determined by the institution; and
 - D) has submitted an application on a timely basis.
 - 5) Preference may also be given to qualified applicants enrolled in teacher shortage disciplines, which shall include early childhood education.
- d) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.
- e) A recipient may receive up to 4 semesters/6 quarters of scholarship assistance under this program.
- f) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.
- g) The total number of scholarships awarded in a given fiscal year is contingent

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upon available funding.

- h) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors and scholarship amounts established by this Section.
- i) ISAC shall publish guidelines for the awarding of IFTC scholarships.
- j) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive an IFTC scholarship. A notice will be sent by ISAC to each qualified applicant who is not selected to receive an IFTC scholarship.
- k) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to teach, on a full-time basis, for a period of not less than five years and in accordance with any additional commitment to teach in a teacher shortage discipline and/or at a hard-to-staff school, as applicable;
 - 2) the recipient shall begin teaching within one year following completion of the postsecondary education degree or certificate program for which the scholarship was awarded, and shall teach on a continuous basis for the required period of time;
 - 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, or an Illinois public elementary or secondary school and if the award made under this Part was for teaching at a hard-to-staff school, the school must qualify for teacher loan cancellation under Section 465(a)(2)(A) of the HEA (see 20 [USCUSA 1087ee](#));
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;

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- 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- l) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2764.30(k) during period in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (k)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; ~~or-~~
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or
 - 6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching commitment.
- m) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is temporarily disabled, for not more than three years, as established by the

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sworn affidavit of a licensed physician; or

- 3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.
- n) During the time a recipient qualifies for any of the extensions listed in subsection (m) of this Section, he or she shall not be required to make payments and interest shall not accrue.
- o) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- p) A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) Renewal recipients may receive a subsequent award even if their discipline is no longer on the approved list of teacher shortage disciplines.

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(Source: Amended at 30 Ill. Reg. 11687, effective July 1, 2006)

Section 2764.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment, within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.
- g) Scholarship Amount
 - 1) IFTC scholarships are applicable only toward tuition, fees and room and board charges or commuter allowances, if applicable.
 - 2) The annual scholarship amount shall be computed by the institution and be the lesser of:
 - A) tuition and fees plus room and board expenses charged by the

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institution;

- B) tuition and fees plus the institution's standard cost of living allowance for students living off-campus;
 - C) an amount not to exceed \$5000;
 - D) an amount not to exceed \$10,000, subject to appropriation, if the student is pursuing a course of study necessary to teach in a teacher shortage discipline in which he or she commits to teach, or has made a commitment to teach at a hard-to-staff school; or
 - E) an amount not to exceed \$15,000, subject to appropriation, if the student is pursuing a course of study necessary to teach in a teacher shortage discipline in which he or she commits to teach, and has also made a commitment to teach at a hard-to-staff school.
- 3) The total amount of IFTC scholarship assistance awarded to a qualified applicant in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
- 4) A qualified applicant may receive grant assistance under the Monetary Award Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the IFTC scholarship.

h) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

(Source: Amended at 30 Ill. Reg. 11687, effective July 1, 2006)

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- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver (SETTW) Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3)

<u>Section numbers:</u>	<u>Adopted Action:</u>
2765.20	Amendment
2765.30	Amendment
- 4) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act
- 5) Effective date of Amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these 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: February 17, 2006; 30 Ill. Reg. 2217
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposed and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout

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our programmatic rules in order to make them easier for our clients to use. ISAC adopts the following substantive amendments:

A number of changes are adopted in this Part to incorporate statutory changes included in Public Law 94-133, which allow students who have graduated from high school prior to the academic year in which the award is made, and those who are Illinois residents and members of military families stationed out of state, to apply for the waiver. Specifically, Section 2765.20(a)(3) is amended to remove the requirement that an applicant graduate from an Illinois approved high school. Amendments to Section 2765.30(e) expand the applicant pool to include any high school graduate and to equitably divide the available waivers between this group and the applicants who recently graduated from high school. In addition, Section 2765.30(j) is amended to incorporate the provision of Public Law 94-133 that provides recipients with an additional exception to the teaching requirement when they are concurrently fulfilling the requirement associated with other programs administered by ISAC.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765

ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

Section

2765.10	Summary and Purpose
2765.20	Applicant Eligibility
2765.30	Program Procedures
2765.40	Institutional Procedures

AUTHORITY: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].

SOURCE: Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11129, effective July 18, 1997; amended at 22 Ill. Reg. 11107, effective July 1, 1998; amended at 24 Ill. Reg. 9159, effective July 1, 2000; amended at 26 Ill. Reg. 10037, effective July 1, 2002; amended at 27 Ill. Reg. 10405, effective July 1, 2003; amended at 28 Ill. Reg. 9170, effective July 1, 2004; amended at 29 Ill. Reg. 9941, effective July 1, 2005; amended at 30 Ill. Reg. 11697, effective July 1, 2006.

Section 2765.20 Applicant Eligibility

- a) A qualified applicant shall be:
- 1) a United States citizen or an eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) a graduate of an ~~Illinois~~-approved high school ~~who ranked in the upper half of his or her high school graduating class~~; a student scheduled to graduate from an ~~approved Illinois~~ high school by the end of the ~~academic year~~ school term in which the award is made who ranks in the upper half of his or her high school graduating class at the end of the sixth semester; or a person holding a valid teaching certificate that is not in the discipline of Special Education;

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- 4) enrolled, or accepted for enrollment, as an undergraduate or graduate student seeking initial certification in any area of Special Education;
 - 5) attending, or planning to attend, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University (Carbondale), Southern Illinois University (Edwardsville), University of Illinois (Chicago), University of Illinois (Springfield), University of Illinois (Urbana) or Western Illinois University; and
 - 6) a potential new recipient in that he or she shall have not received the Illinois Special Education Teacher Tuition Waiver in the past.
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship (23 Ill. Adm. Code 2763), ~~or the Illinois Future Teacher Corps Program~~~~TEACH Teacher Shortage Scholarship~~ (23 Ill. Adm. Code 2764), ~~or Teach Illinois Scholarship Program (23 Ill. Adm. Code 2768)~~, he or she shall not be eligible for an Illinois Special Education Teacher Tuition Waiver.

(Source: Amended at 30 Ill. Reg. 11697, effective July 1, 2006)

Section 2765.30 Program Procedures

- a) A completed ISAC application for the Illinois SETTW Program must be postmarked on or before March 1 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.
- b) ISAC applications for the Illinois SETTW Program are available from eligible institutions; the offices of Regional Superintendents of Education in Illinois; [ISAC's Web site](#); Illinois State legislative and [Illinois](#) federal Congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.
- c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.

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- d) Before March 1 of each year, principals of public, private and parochial high schools in Illinois will provide the names of all students in their high school who are anticipated to be qualified applicants.
- e) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:
- 1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;
 - 2) A minimum of ~~105~~²¹⁰ tuition waivers shall be awarded annually to high school graduates (or students scheduled to graduate from an approved high school in the academic year in which the award is made and) who rank in the upper half of their class at the end of the sixth semester. Any of the ~~145~~⁴⁰ tuition waivers not awarded pursuant to ~~subsections~~^{subsection} ~~(e)(1) and (3)~~ of this Section shall be awarded to this group;
 - 3) A maximum of 105 tuition waivers may be awarded annually to qualified applicants who have graduated from an approved high school prior to the academic year in which the award is made. If more than 105 applicants qualify under this subsection (e)(3), a lottery shall be used to select the 105 recipients;
 - 43) ISAC shall select recipients, pursuant to subsection (e)(2)~~who do not hold valid teaching certificates~~, from among qualified applicants based on the highest ACT or SAT I test scores from the time periods set forth in 23 Ill. Adm. Code Section ~~2760.20(b), (c) and (d)~~, as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2));
 - 54) A lottery will be used to determine recipients pursuant to subsection (e)(2) if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.
- f) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other

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qualified applicants will be notified that they were not selected.

- g) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.
- h) A recipient shall be exempt from paying tuition and mandatory fees for up to four calendar years.
- i) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to begin teaching on a full-time basis, in the field of Special Education, within one year following graduation from or termination of enrollment in a teacher education program, at a nonprofit, public, private or parochial preschool, elementary or secondary school in Illinois and to continue teaching for at least 2 of the 5 years immediately following;
 - 2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and
 - 3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).
- j) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
 - 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;
 - 3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;

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- 4) is actively seeking but unable to find full-time employment as a teacher at an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact; ~~or~~
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; ~~or~~
 - 6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.
- k) A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:
- 1) earning funds to defray the recipient's educational expenses;
 - 2) illness of the recipient or a member of the recipient's immediate family, as established by the sworn statement of a licensed physician; or
 - 3) military service.
- l) A recipient must complete his or her course of study within six years including leaves of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.
- m) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.

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- n) If a recipient is required to repay any portion of the tuition waiver, the repayment period shall be completed within five years after the tuition waiver converts to a loan. The five-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact;
or
 - 5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on at least a half-time basis in another academic discipline.
- o) During the time a recipient qualifies for any of the extensions listed in subsection (n) of this Section, he or she shall not be required to make payments and interest shall not continue to accrue.
- p) A recipient shall not be required to pay the amount of the tuition and fees waived if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) A recipient must be enrolled in a special education program within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, he or shes/he will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

(Source: Amended at 30 Ill. Reg. 11697, effective July 1, 2006)

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- 1) Heading of the Part: Teach Illinois Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2768
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2768.10	New Section
2768.15	New Section
2768.20	New Section
2768.30	New Section
2768.40	New Section
- 4) Statutory Authority: Implementing Section 65.27 of the Higher Education Student Assistance Act and authorized by Sections 20(f) and 65.27 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.27]
- 5) Effective date of Rules: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 10) Notice of proposal published in Illinois Register: February 17, 2006; 30 Ill. Reg. 2225
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 12) Difference between proposed and final version: The only changes made were non-substantive.
- 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 rules replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is adopted to reflect the statutory changes contained in Public Act 94-205, which created this new

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program. These rules govern the administration of the new Teach Illinois Scholarship Program. The rulemaking sets forth the applicant eligibility requirements, program procedures and institutional procedures.

- 15) Information and questions regarding the adopted rules shall be directed to:

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

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

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NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2768
TEACH ILLINOIS SCHOLARSHIP PROGRAM

Section	
2768.10	Summary and Purpose
2768.15	Definition
2768.20	Applicant Eligibility
2768.30	Program Procedures
2768.40	Institutional Procedures

AUTHORITY: Implementing Section 65.27 of the Higher Education Student Assistance Act and authorized by Sections 20(f) and 65.27 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.27].

SOURCE: Adopted at 30 Ill. Reg. 11705, effective July 1, 2006.

Section 2768.10 Summary and Purpose

- a) The Teach Illinois Scholarship program encourages students to become teachers at elementary and secondary schools that have identified staff shortages, as determined by the Illinois State Board of Education.
- b) This Part establishes the rules that govern the Teach Illinois Scholarship Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

Section 2768.15 Definition

"Area of identified staff shortage" – A public school district in which the number of teachers is insufficient to meet student or school district demand or a subject area for which the number of teachers who are qualified to teach that subject area is insufficient to meet student or school district demand, as determined by the State Board of Education.

Section 2768.20 Applicant Eligibility

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- a) A qualified applicant shall be:
- 1) a United States citizen or an eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) a high school graduate or a person who has received a General Education Development (GED) Certificate, or a student scheduled to graduate from high school by the end of the secondary school year in which the award is made;
 - 4) attending, or planning to attend, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University (Edwardsville), Southern Illinois University (Carbondale), University of Illinois (Chicago), University of Illinois (Springfield), University of Illinois (Urbana) or Western Illinois University;
 - 5) enrolled, or accepted for enrollment, on at least a half-time basis, as an undergraduate or graduate student seeking certification in a teacher education program that prepares the applicant to teach in an area of identified staff shortage, as defined in Section 2768.15;
 - 6) maintaining satisfactory academic progress as determined by the postsecondary institution.
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill. Adm. Code 2763), the Illinois Future Teachers Corps Program (23 Ill. Adm. Code 2764), or the Special Education Teacher Tuition Waiver (23 Ill. Adm. Code 2765), the qualified applicant shall not be eligible for scholarship assistance under this Part.

Section 2768.30 Program Procedures

- a) A complete ISAC application for the Teach Illinois Scholarship program must be postmarked on or before March 1 immediately preceding the academic year for

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which the scholarship is being requested, in order to receive priority consideration for an award.

- 1) ISAC applications are available from the institutions listed in Section 2768.20(a)(4), ISAC's Web site, Illinois State legislative offices, Illinois Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will make renewal applications available to all qualified students who were awarded assistance under this Part during the preceding academic year.
 - 3) If the student section of the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- b) ISAC shall select recipients on a first-come, first-served basis from among qualified applicants who filed timely applications. Recipients of assistance under this Part during the previous academic year shall receive priority consideration, provided the student has submitted an application on a timely basis.
 - c) The Teach Illinois Scholarship award is applicable only toward tuition and non-revenue bond fees for courses in a teacher education program that prepares the recipient to teach in an area of identified staff shortage, as defined in Section 2768.15.
 - d) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
 - e) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive a Teach Illinois Scholarship. A notice will be sent by ISAC to each qualified applicant who is not selected to receive a Teach Illinois Scholarship.
 - f) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

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- 1) the recipient pledges to teach, on a full-time basis, for a period of not less than five years at an Illinois elementary or secondary school in an area of identified staff shortage, as defined in Section 2768.15;
 - 2) the recipient shall begin teaching within one year following completion of the postsecondary education degree program for which the scholarship was awarded, and shall teach on a continuous basis for the required period of time;
 - 3) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarship, plus interest at a rate equal to five percent, and, if applicable, reasonable collection fees;
 - 4) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 5) the recipient promises to use the proceeds of the scholarship for courses in a teacher education program that prepares the recipient to teach in an area of identified staff shortage, as defined in Section 2768.15.
- g) ISAC, in cooperation with the Illinois State Board of Education, will assist recipients in finding employment as a full-time teacher in areas of identified staff shortage, as defined in Section 2768.15.
- h) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (f) during any period in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;

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- 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (f)(1) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is fulfilling teaching requirements associated with other programs administrated by ISAC, if he/she cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.
- i) If a recipient is required to repay the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (f)(1) of this Section for one continuous period not to exceed two years and is able to provide evidence of that fact.
- j) During the time a recipient qualifies for any of the extensions listed in subsection (i), he or she shall not be required to make payments and interest shall not accrue.
- k) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher in an area of identified staff shortage, but not until six months have elapsed after the cessation of at least half-time enrollment in the course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or

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- 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- l) A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient is deceased.
- m) The recipient may be eligible for loan forgiveness of the proceeds received under this Part if he or she is unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (f)(1) of this Section based on the financial conditions within the qualified school districts. To qualify for loan forgiveness, the recipient must have first exhausted the extensions options provided in subsections (h)(4) and (5) of this Section.

Section 2768.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment within the timeframe requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year. To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than July 1.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of courses financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the

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institution may credit the scholarship funds to the recipient's account for tuition and non-revenue bond fees for courses taken that lead to a teaching certificate in an area of identified staff shortage.

- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the courses for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.

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- 1) Heading of the Part: Child Welfare Student Loan Forgiveness Program
- 2) Code Citation: 23 Ill. Adm. Code 2769
- 3)

<u>Section numbers:</u>	<u>Adopted Action:</u>
3769.10	New Section
2769.15	New Section
2769.20	New Section
2769.30	New Section
2769.40	New Section
- 4) Statutory Authority: Implementing the Child Welfare Student Loan Forgiveness Act [110 ILCS 923]
- 5) Effective date of Rules: July 1, 2006
- 6) Do these rules contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) Notices of proposal published in Illinois Register: February 17, 2006; 30 Ill. Reg. 2234
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 13) Differences between proposed and final version: The only changes made were non-substantive.
- 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 rules replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This Part is adopted to reflect the statutory changes contained in Public Act 94-497, which created this new program. These rules govern the administration of the new Child Welfare Loan Forgiveness Program. The rulemaking sets

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forth the applicant eligibility requirements, program procedures and institutional procedures.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

847/948-8500 ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2769
CHILD WELFARE STUDENT LOAN FORGIVENESS PROGRAM

Section

2769.10	Summary and Purpose
2769.15	Definitions
2769.20	Applicant Eligibility
2769.30	Program Procedures
2769.40	Institutional Procedures

AUTHORITY: Implementing the Child Welfare Student Loan Forgiveness Act [110 ILCS 923].

SOURCE: Adopted at 30 Ill. Reg. 11714, effective July 1, 2006.

Section 2769.10 Summary and Purpose

- a) The Child Welfare Student Loan Forgiveness program is designed to attract capable and promising students to the child welfare profession, increase employment and retention of qualified individuals who are either working towards or have received a bachelor's degree or master's degree in the field of social work or human services, and provide opportunities for persons making a career change to enter the child welfare profession.
- b) This Part establishes the rules that govern the Child Welfare Student Loan Forgiveness program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

Section 2769.15 Definitions

"Contracting agency" – A licensed child welfare agency that contracts with the Illinois Department of Children and Family Services (DCFS), as defined in 89 Ill. Adm. Code 401, or its successor.

"Forgivable loan" – A higher education student loan made through ISAC that a person has incurred while enrolled in a social work program approved by the

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Council on Social Work Education or an accredited human services degree program.

"Human services degree" – For purposes of this Part, a human services degree is one that is accepted by DCFS and listed in 89 Ill. Adm. Code 401, Appendix G.

Section 2769.20 Applicant Eligibility

- a) A qualified undergraduate applicant shall:
 - 1) be a United States citizen or eligible noncitizen;
 - 2) be a resident of Illinois;
 - 3) be an undergraduate student at the junior or senior level;
 - 4) be a full-time student enrolled in a social work program approved by the Council on Social Work Education leading to a bachelor's degree in social work, or enrolled in an accredited human services degree program;
 - 5) have declared an intent to work in child welfare at DCFS or a contracting agency for at least the number of years for which a forgivable loan is received;
 - 6) have maintained a cumulative grade point average (GPA) of at least 2.5 on a 4.0 scale, or the equivalent; and
 - 7) if a renewal applicant, have earned at least 12 semester credits per term, or the equivalent.

- b) A qualified graduate applicant shall:
 - 1) be a United States citizen or eligible noncitizen;
 - 2) be a resident of Illinois;
 - 3) be a graduate student;

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- 4) be a full-time student enrolled in a social work program approved by the Council on Social Work Education leading to a master's degree in social work, or enrolled in an accredited human services degree program;
- 5) have declared an intent to work in child welfare at DCFS or a contracting agency for at least the number of years for which a forgivable loan is received;
- 6) have earned a bachelor's degree from a school or department of social work at any college or university accredited by the Council on Social Work Education or have earned a degree in a human services field from an accredited college or university;
- 7) have maintained a minimum cumulative GPA of at least 3.0 on a 4.0 scale at the undergraduate level, or have attained a Graduate Record Examination (GRE) score of at least 1,000;
- 8) if a renewal applicant, have maintained a cumulative GPA of 3.0 on a 4.0 scale at the graduate level and have earned at least nine semester credits per term, or the equivalent; and
- 9) have not received a forgivable loan under this Part at the undergraduate level.

Section 2769.30 Program Procedures

- a) Preference shall be given to qualified applicants enrolled at an Illinois institution of higher learning.
- b) A completed application for the Child Welfare Student Loan Forgiveness program must be submitted to ISAC on or before March 1 immediately preceding the regular school year for which the forgivable loan is being requested, in order to receive priority consideration.
 - 1) Applications are available from qualified institutions of higher learning, ISAC's Web site, Illinois State legislative and Illinois Congressional offices, ISAC (Springfield, Deerfield, and Chicago offices), as well as DCFS;

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- 2) ISAC will make renewal applications available to all qualified students who were previously awarded forgivable loans but have not yet exceeded the two-year maximum rule (see subsection (c));
 - 3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- c) Benefits under this program are limited to a maximum of two academic years. The total number of forgivable loans in a given fiscal year is contingent upon available funding.
- 1) An undergraduate applicant may be awarded a forgivable loan of no more than \$4,000 per academic year for a maximum of two academic years.
 - 2) A graduate applicant may be awarded a forgivable loan of no more than \$8,000 per academic year for a maximum of two academic years.
- d) Prior to receiving loan funds under this Part, the qualified applicant must sign a Program Agreement/Promissory Note that is submitted to ISAC. The Program Agreement/Promissory Note shall include the following stipulations:
- 1) the recipient agrees to work for DCFS or a contracting agency on a full-time basis, one year for each year a forgivable loan is received;
 - 2) any recipient who fails to work at DCFS or a contracting agency is responsible for repaying the loan, plus accrued interest, at 8% annually and, if applicable, reasonable collection costs;
 - 3) the recipient agrees to begin working within one year following the completion of the degree program for which the recipient received a forgivable loan under this Part, and shall work on a continuous basis for the required period of time;
 - 4) the recipient agrees to provide ISAC with evidence of compliance with program requirements if not provided by DCFS or a contracting agency; and

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- 5) the recipient promises to use the proceeds of the loan for educational expenses.
- e) A recipient of a forgivable loan awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (d) during periods in which the recipient:
- 1) is enrolled on a full-time basis as a graduate student in a course of study related to the study of human/social services;
 - 2) serves, for not more than three years, as a member of the United States Armed Forces;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 4) is actively seeking but unable to find full-time employment with DCFS or a contracting agency for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain a degree that will allow the recipient the opportunity to satisfy his or her obligation under this program.
- f) If a recipient is required to repay any portion of the forgivable loan, the repayment period shall be completed within ten years after repayment begins. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is actively seeking but unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact;

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- 4) withdraws from a course of study leading to a degree in the field of social/human services, but is enrolled full-time in another academic discipline; or
 - 5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.
- g) During the time a recipient qualifies for any of the extensions listed in subsection (f), he or she shall not be required to make payments and interest shall not accrue.
- h) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to a degree that allows the recipient the right to be employed as a human/social services employee for DCFS or a contracting agency, but not before six months have elapsed after the conclusion of at least half-time enrollment in the course of study;
 - 2) the date the recipient or DCFS informs ISAC that the recipient does not plan to fulfill the program's obligation; or
 - 3) the day after the latest date upon which the recipient must have begun working after completing the postsecondary education for which the loan was awarded.
- i) A recipient shall not be required to repay the amount of the loan received if he or she becomes permanently totally disabled, as established by the sworn affidavit of a qualified physician, or if his or her representative provides ISAC with a death certificate or other evidence that the recipient is deceased.

Section 2769.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make the forgivable loan funds available.
- b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment within the timeframe requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year. To provide sufficient

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time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than July 1.

- c) ISAC shall disburse the forgivable loan in two or three installments, depending on the number of terms financed by the program, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the loan is being awarded or when a student is attending only one term and the maximum does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of forgivable loan funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
- f) Upon receipt of the forgivable loan funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the loan disbursement to ISAC.

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- 1) Heading of the Part: Student to Student (STS) Program of Matching Grants
- 2) Code Citation: 23 Ill. Adm. Code 2770
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2770.30	Amendment
2770.40	Amendment
- 4) Statutory Authority: Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65 and 20(f)]
- 5) Effective date of amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these 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: February 17, 2006; 30 Ill. Reg. 2243
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? 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 Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules in order to make them easier for our clients to use. ISAC adopted the following substantive amendments:

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Section 2770.30(h) is amended to correct the reference to the maximum eligibility now allowed in the Monetary Award Program.

Section 2770.40(d) is amended to align the language with changes being adopted in the rules for other ISAC programs in relation to the processing of payment requests, given the time frame ISAC must adhere to with the State Comptroller's office.

An amendment is adopted to Section 2770.40(f) to remove reference to ISAC supplying the reports required of postsecondary institutions participating in STS to the Illinois Board of Higher Education (IBHE), as IBHE has indicated it no longer needs the reports.

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

Chris Peterson
Chief Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

847/ 948-8500, ext. 2109
FAX: 847/948-5033
email: cpeterson@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2770

STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS

Section

2770.10	Summary and Purpose
2770.20	Applicant Eligibility
2770.30	Program Procedures
2770.40	Institutional Procedures

AUTHORITY: Implementing Section 65 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65 and 20(f)].

SOURCE: Adopted at 4 Ill. Reg. 6, p. 221, effective January 30, 1980; codified at 7 Ill. Reg. 9925; transferred from Chapter IX, 23 Ill. Adm. Code 1770 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2770 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17869; amended at 16 Ill. Reg. 11329, effective July 1, 1992; amended at 17 Ill. Reg. 10632, effective July 1, 1993; amended at 18 Ill. Reg. 10354, effective July 1, 1994; amended at 20 Ill. Reg. 9260, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11232, effective July 18, 1997; amended at 25 Ill. Reg. 8433, effective July 1, 2001; amended at 30 Ill. Reg. 11723, effective July 1, 2006.

Section 2770.30 Program Procedures

- a) An eligible program is an organized, need-based monetary award (gift assistance) program for undergraduate students at an Illinois college or public university. The funds for those programs must be derived from voluntary contributions raised by students from students of that college or university according to a plan developed and approved by the students and consistent with college or university policies.
- b) Voluntary contributions can be obtained from graduate students; the assistance program, however, can aid only undergraduates. A portion of the total contribution can be used to aid graduate students. Funds set aside for graduate students will not be matched by ISAC.
- c) Students shall approve the plan for raising voluntary contributions by a majority of those voting in a campus-wide referendum.

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- d) The contributions, to be eligible for matching funds, must be voluntary and optional (as contrasted to a nonrefundable fee or charge). Only those voluntary contributions made by enrolled students of the college or university are eligible for matching. If any fund- raising activity yields contributions from other individuals or organizations, the voluntary contributions by enrolled students must be clearly identifiable.
- e) Particular care must be employed in implementing contribution plans that generate contributions from nonstudents. The law leaves no latitude in this regard. Special cash receipt systems must be used to make certain that student contributions are clearly identifiable.
- f) No eligible contribution can exceed \$12 per academic year.
- g) The \$1,000 annual limit on an STS award shall be applicable to all terms, including the summer term.
- h) STS funds can be used for undergraduates who are otherwise eligible for an ISAC Monetary Award [Program](#) grant but have completed their ~~10 semesters or 15 quarters of~~ eligibility [pursuant to 23 Ill. Adm. Code 2735.30\(m\)](#).

(Source: Amended at 30 Ill. Reg. 11723, effective July 1, 2006)

Section 2770.40 Institutional Procedures

- a) Each institution desiring to participate in this program shall inform ISAC, in writing, by August 15 preceding each award year.
- b) A claim for matching funds may be submitted to ISAC by dates specified in subsection (d) of this Section. The initial claim shall include:
 - 1) the amount of the claim;
 - 2) how general student approval was obtained;
 - 3) how funds were collected;
 - 4) the steps employed to ensure that student contributions were voluntary; and

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- 5) documentation that the claim includes only voluntary contributions by enrolled students.
- c) A supplementary claim can be filed after a filing date for the purpose of adjusting a regular claim filed earlier.
- d) Institutions shall submit a payment request to ISAC based on eligible match amounts. The deadlines for submission of complete payment requests shall be October 15 for summer terms; February 15 for first semester/quarter; April 15 for second quarter; and June 15 for second semester/third quarter. All claims, including supplemental claims, must be [received by ISAC no later than July 1](#) ~~submitted no later than August 1~~. This will provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield prior to the State's fiscal year lapse period ending August 31. STS matching funds are paid by ISAC directly to the institution.
- e) The reimbursement to institutions for Student to Student matching funds is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims in full, claims will be prorated. Claims will be considered for payment in the following order:
- 1) summer term claims received by October 15;
 - 2) first semester and first quarter claims received by February 15;
 - 3) second quarter claims received by April 15; and
 - 4) second semester and third quarter claims received by June 15.
- f) Each participating college or university shall submit to ISAC an annual report, no later than August 15 following the award year, of the activities, operations and results of its STS grant program. ~~ISAC shall forward a copy of such report to the Illinois Board of Higher Education.~~
- g) Matching funds must be expended by the end of the academic year following the year in which the funds are requested.

(Source: Amended at 30 Ill. Reg. 11723, effective July 1, 2006)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1650.1000	Amended
1650.1001	Amended
1650.1010	Amended
1650.1020	Amended
1650.1030	Amended
1650.1080	Amended
1650.1090	New
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16]
- 5) Effective Date of Amendments: June 23, 2006.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 8, 2006; 30 Ill.Reg. 6003.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Various punctuation and grammatical changes recommended by JCAR were made in the final version.
- 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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 15) Summary and Purpose of Amendments: Public Act 94-710, effective December 5, 2005, imposes a new requirement on the Teachers' Retirement System of the State of Illinois to hold a special election when an elected TRS trustee position becomes vacant with more than six months remaining until the term expires. The adopted amendments bring TRS into compliance with this legislation by incorporating special election procedures within the current TRS trustee election framework.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Cynthia M. Fain. Gray, Assistant General Counsel
Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, Illinois 62794-9253

217/753-0375

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOISPART 1650
THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
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SUBPART O: RETIRMENT BENEFITS

Section

- 1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective

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January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2006; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006.

SUBPART L: BOARD ELECTION PROCEDURES

Section 1650.1000 Nomination of Candidates

- a) Any candidate for a vacant teacher position on the System's Board of Trustees shall be nominated by a written petition signed by no fewer than 500 individuals who, as of the date of signing, were teachers as defined in Section 16-106 of the Illinois Pension Code [40 ILCS 5/16-106].
- b) Any candidate for a vacant annuitant position on the System's Board of Trustees shall be nominated by a written petition signed by no fewer than 500 individuals who, as of the date of signing, were teachers as defined in Section 16-111.1 of the Illinois Pension Code [40 ILCS 5/16-111.1].
- c) Petitions may be circulated for signatures by any individual or entity for a period of time [as follows](#):
 - 1) [For a regular election](#), commencing the November 1 immediately preceding the election date and ending with the time for filing such petition with the Board's secretary as provided in subsection (b)(4) of Section 1650.1010;-
 - 2) [For a special election as provided in Section 1650.1090, commencing the date that the Board's secretary announces that a special election will be held and for a two-week period thereafter.](#)
- d) An individual eligible to sign a petition nominating a candidate for a vacant teacher position on the Board may sign petitions for as many candidates as desired.
- e) An individual eligible to sign a petition nominating a candidate for a vacant annuitant position on the Board may sign petitions for as many candidates as desired.

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(Source: Amended at 30 Ill. Reg. 11728, effective June 23, 2006)

Section 1650.1001 Election Date/Election Day – Defined

- a) For a regular election, purposes of Subpart L: Board Election Procedures, the term "election date" or "election day" shall mean "May 1, unless May 1 falls on a Saturday or Sunday, in which event the election shall be conducted on the following Monday" in trustee election years as prescribed in 40 ILCS 5/16-165.
- b) For a special election as provided in Section 1650.1090, the term "election date" or "election day" shall mean the date prescribed by the Board's secretary.
- c) If the election day falls on a Saturday, Sunday, or holiday observed by the System, the election will be held the next day on which the System is open for business.

(Source: Amended at 30 Ill. Reg. 11728, effective June 23, 2006)

Section 1650.1010 Petitions

- a) All petitions shall be in the form adopted by the System. Petition forms may be obtained from the System, upon request of any individual or entity.
- b) A valid petition nominating a candidate for a vacant teacher position or a vacant annuitant position on the System's Board of Trustees shall meet the following requirements:
 - 1) The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate pursuant to subsection (a) or (b) of Section 1650.1000. A valid petition may consist of multiple pages and may contain blank signature lines; however, all valid signatures thereon must be original signatures;
 - 2) Each signature of an eligible voter must be accompanied by the signing person's name (printed), street address, city, and state and may, at the signing person's option, be accompanied by the signing person's area code and telephone number to assist the Board's secretary in verifying voter eligibility;

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- 3) The petition shall bear the notarized signature of the individual who circulated the petition for signatures, verifying that the signatures contained thereon were signed in that individual's presence, are genuine, and that to the best of the circulating individual's knowledge, the persons who signed the petition were eligible to do so as provided in subsection (a) or (b) of Section 1650.1000;
- 4) Petitions shall be filed with the Board's secretary during the following time periods:
 - A) For a regular election, not less than 90 nor more than 120 days prior to the election day;
 - B) For a special election as provided in Section 1650.1090, beginning with the Board's secretary's announcement that a special election will be held and no later than the petition-filing deadline announced by the Board's secretary.
- 5) Petitions filed after the prescribed petition-filing period~~less than 90 days prior to the election day~~ are invalid and will be returned to the party submitting ~~thesueh~~ petition for filing; and
- 6) Petitions filed before the prescribed petition-filing period~~more than 120 days prior to the election day~~ will not be accepted and will be returned to the party submitting ~~thesueh~~ petition for filing. Nothing in this subsection ~~(b)(6)~~ precludes the timely re-filing of petitions filed before the prescribed petition-filing period~~more than 120 days prior to the election day~~.
- c) The Board's secretary shall determine the validity of ~~all~~ petitions for regular elections not less than 75 days prior to the election day, and for special elections not less than 20 days prior to the election day.
- d) Any individual may, upon reasonable notice to the System, examine the petitions ~~thatwhich~~ have been filed with the System with respect to the election to take place ~~that year~~; provided, however, that in order to protect the signing teachers' and annuitants' ~~rights to~~ privacy and confidentiality ~~as to their names, addresses, and social security numbers,~~ thesueh examination shall only take place subject to the following limitations:
 - 1) Petitions may only be examined at the System's offices after the validity of

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the petitions has been verified by the Board's secretary as provided in subsection (c) of this Section;

- 2) Petitions may not be removed from the System's offices, copied, or duplicated by any means; and
- 3) Petitions, including any information thereon, shall not be subject to production or disclosure under the provisions of the Illinois Freedom of Information Act (FOIA) [5 ILCS 140].

(Source: Amended at 30 Ill. Reg. 11728, effective June 23, 2006)

Section 1650.1020 Eligible Voters

- a) An individual is eligible to vote for a vacant teacher position on the Board of Trustees of the System if he or she was a "teacher", as defined in Section 16-106 of the Illinois Pension Code [40 ILCS 5/16-106], determined as of the following dates:
 - 1) For a regular election, March 1 of the year in which the election is held;
 - 2) For a special election as provided in Section 1650.1090, the date the Board's secretary determines the validity of petitions.
- b) An individual is eligible to vote for a vacant annuitant position on the Board of Trustees of the System if he or she was an "annuitant", as defined in Section 16-111.1 of the Illinois Pension Code [40 ILCS 5/16-111.1], determined as of the following dates:
 - 1) For a regular election, March 1 of the year in which the election is held;
 - 2) For a special election as provided in Section 1650.1090, the date the Board's secretary determines the validity of petitions.
- c) A person who is eligible to vote for a vacant teacher position pursuant to subsection (a) of this Section is not eligible to vote for a vacant annuitant position.
- d) A person who is eligible to vote for a vacant annuitant position pursuant to subsection (b) of this Section is not eligible to vote for a vacant teacher position.

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(Source: Amended at 30 Ill. Reg. 11728, effective June 23, 2006)

Section 1650.1030 Election Materials

- a) At least ~~20~~40 days prior to the election day, the System shall mail to the eligible voter's latest address known to the System the following election materials:
- 1) A preprinted, perforated ballot/signature card listing, in alphabetical order, either the teacher candidates or the annuitant candidates, depending on the basis for the individual's eligible voter status as provided in Section 1650.1020(a) or (b);
 - 2) A preprinted, return envelope addressed to the System's Board; and
 - 3) A preprinted envelope marked "For Ballot Only."
- b) If an eligible voter has not received any or all of the election materials specified in subsection (a) of this Section prior to the election day, the eligible voter may request that the System send election materials to him or her.
- 1) Upon such request, the System shall verify that the requesting individual is an eligible voter as provided in Section 1650.1020, and upon such verification shall send the eligible voter a written certification of nonreceipt in the form prescribed by the System and the election materials via first class U.S. mail, or if the election is less than one week away, via priority U.S. mail.
 - 2) The eligible voter shall complete the certification attesting to nonreceipt of election materials and attach it to the signature card.
- c) If previously mailed election materials are returned to the System undelivered at least one week prior to the election day and a forwarding address has been provided, the System shall mail election materials to the forwarding address via first class U.S. mail.

(Source: Amended at 30 Ill. Reg. 11728, effective June 23, 2006)

Section 1650.1080 Challenges to Ballot Counting

- a) Any challenge to the ballot counting shall be made in the following manner:

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- 1) Only those candidates, organizations or associations which had a poll watcher present during the ballot counting in accordance with Section 1650.1060(a), or a public observer present during the ballot counting in accordance with Section 1650.1060(b), shall have standing to challenge the ballot counting.
 - 2) The challenger shall submit to the Board a written statement identifying the specific aspect or aspects of the ballot counting process which are being challenged.
 - 3) All challenges as provided in this Section shall be submitted no later than 7 days after the election day. Any challenge submitted more than 7 days after the election day shall not be considered.
- b) The written statement timely submitted in accordance with subsection (a) of this Section shall be presented and considered by the Board at the next regularly scheduled meeting of the Board. To consider a written statement submitted in regard to a special election, the Board may schedule a special meeting for that purpose. The challenger shall have no right to appear at the Board meeting. The Board shall, in its sole discretion, determine what steps, if any, need to be taken in response to the challenge, including, but not limited to, modifying the election results declared by the Board in accordance with Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165].
- c) In the event that election results have already been declared by the Board in accordance with Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165], such election results shall remain valid pending determination of any challenge as provided by this Section.
- d) The Board shall send written notice of its determination to the challenger and all candidates within 730 days after making thesueh determination.

(Source: Amended at 30 Ill. Reg. 11728, effective June 23, 2006)

Section 1650.1090 Special Election to Fill Un-Expired Term of Elected Trustee

- a) On the date that an elected trustee position becomes vacant, if more than six months remain until the term expires, the Board's secretary will hold a special election in accordance with this Subpart L; provided, however, that if the Board's

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secretary determines there is inadequate time to hold a special election so as to allow the newly elected trustee to participate in at least one regularly scheduled Board meeting, then no special election will be held and the vacancy will remain until the next regular election.

b) The Board's secretary will notify the System's membership that a special election will be held as soon as administratively feasible upon receiving notice of a vacancy and will announce the schedule for the special election, which will include the following:

- 1) The date the vacancy occurred;
- 2) The time period for circulating petitions for nominating signatures;
- 3) The deadline for filing petitions with the System;
- 4) The date the Board's secretary will verify the validity of petitions;
- 5) The date ballots will be sent to eligible voters;
- 6) The election date; and
- 7) The date results of the election will be announced.

(Source: Added at 30 Ill. Reg. 11728, effective June 23, 2006)

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- 1) Heading of the Part: Miscellaneous
- 2) Code Citation: 50 Ill. Adm. Code 7110
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
7110.5	New Section
7110.10	Amended
7110.30	Amended
7110.40	Amended
7110.50	Amended
7110.60	Amended
7110.70	Amended
7110.80	Amended
7110.90	New Section
- 4) Statutory Authority: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305].
- 5) Effective Date of Amendments: June 22, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted 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: February 10, 2006; 30 Ill. Reg. 1828
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
 - (a) The Commission made nonsubstantive technical changes to the rulemaking. In addition, in the process of this rulemaking, the Commission brought into the rulemaking other Sections of this Part not published at First Notice and made non-substantive technical changes, including clarifying terms and updating the references to the agency's name that has been changed to the Illinois Workers' Compensation Commission.

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- (b) In Section 7110.90(b), added a description of how the fee schedule was established under Section 8.2 of the Act.
- (c) In Section 7110.90(e), clarified which procedures, treatments or services are reimbursed at 76% of charge under the schedule and provided a definition of a standard chargemaster.
- (d) In Section 7110.90(f), clarified how place of service is determined for reimbursement purposes.
- (e) In Section 7110.90(h)(1) (Ambulatory Surgical Treatment Center), Section 7110.90(h)(4) (Emergency Room) and Section 7110.90(h)(7) (Hospital Outpatient), text was added to clarify which schedule applies when the facility bills for facility and professional services using the facility's tax identification number and which schedules apply when the health care professional bills for services performed in the facility using the health care professionals tax identification number.
- (f) In Section 7110.90(h)(2)(B) through (D), amplified the description in the original First Notice publication regarding how anesthesia charges are reimbursed.
- (g) In Section 7110.90(h)(5), clarified "HCPCS Level II" by providing a definition.
- (h) In Section 7110.90(h)(6)(B), clarified the definition of inpatient care by defining it as when a patient is admitted to a hospital where services include, but are not limited to, bed and board, nursing services, diagnostic or therapeutic services and medical or surgical services.
- (i) In Section 7110.90(h)(6)(C), clarified the reference to UB 92 FL 19 by providing a definition.
- (j) In Section 7110.90(h)(8), added subsections (B) through (G) to include a brief description of the categories of services reimbursed under the professional schedule and a brief description of how the categories are reimbursed under the schedule.
- (k) In Section 7110.90(i), clarified and explained the term "bundling edits."
- (l) In Section 7110.90(k), clarified the term "independent diagnostic testing facility" by defining it as an entity independent of a hospital or physician's office, whether

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a fixed location, a mobile entity, or an individual nonphysician practitioner, in which diagnostic tests are performed by licensed or certified nonphysician personnel under appropriate physician supervision.

- 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? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In accordance with Section 8.2 of the Workers' Compensation Act, the rulemaking adopts the Illinois Workers' Compensation Commission Medical Fee Schedule, including payment rates, instructions, guidelines, and payment guides and policies regarding the application of the schedule. The fee schedule is available on the Internet free of charge via a link from the Commission's Web site (www.iwcc.il.gov). The fee schedule sets the maximum allowable payment for a medical procedure, treatment or service covered under the Workers' Compensation and Workers' Occupational Diseases Acts. Under the fee schedule, the employer is required to pay the lesser of the amount set forth in the schedule or the health care provider's actual charges. If an employer or insurance carrier contract with a health care provider, the rate negotiated in the contract will prevail.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Kathryn Kelley, Counsel
Illinois Workers' Compensation Commission
100 West Randolph, Suite 8-272
Chicago, Illinois 60601

312/814-6560

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

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER II: ILLINOIS WORKERS' COMPENSATION~~INDUSTRIAL~~ COMMISSIONPART 7110
MISCELLANEOUS

Section

<u>7110.5</u>	<u>Definitions</u>
7110.10	Vocational Rehabilitation
7110.20	Petitions under Sections 19(h), 8(a), and 7(a) of the Act
7110.30	Commission Meetings: Minutes
7110.40	Petition to Suspend Compensation for Failure to Submit to Proper Medical Treatment
7110.50	Petitions under Section 19(o) <u>of the Act</u>
7110.60	Distribution of Industrial Commission Handbook
7110.70	Explanation of Basis of Non-Payment, Termination or Suspension of Temporary Total Compensation or Denial of Liability or Further Responsibility for Medical Care
7110.80	Rate Adjustment Fund and Second Injury Fund Contributions: Compliance
<u>7110.90</u>	<u>Illinois Workers' Compensation Commission Medical Fee Schedule</u>

AUTHORITY: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305].

SOURCE: Filed and effective March 1, 1977; amended at 5 Ill. Reg. 5533, effective May 12, 1981; amended at 6 Ill. Reg. 8040, effective July 1, 1982; codified at 7 Ill. Reg. 2352; emergency amendment at 14 Ill. Reg. 4929, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13161, effective August 1, 1990; emergency amendment at 30 Ill. Reg. 1912, effective February 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 11743, effective June 22, 2006.

Section 7110.5 Definitions

"Act" means the Illinois Workers' Compensation Act [820 ILCS 305].

"Arbitrator" is an employee appointed pursuant to Section 14 of the Act.

"Commission" means the Illinois Workers' Compensation Commission.

"Commissioner" means one of the 10 persons appointed by the Governor pursuant

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[to Section 13 of the Act.](#)

["Handbook" means the handbook describing the rights and obligations of employers and employees under the Act that is published by the Commission pursuant to Section 15a of the Act.](#)

(Source: Added at 30 Ill. Reg. 11743, effective June 22, 2006)

Section 7110.10 Vocational Rehabilitation

- a) The employer or his representative, in consultation with the injured employee and, if represented, with his [or her](#) representative, shall prepare a written assessment of the course of medical care, and, if appropriate, rehabilitation required to return the injured worker to employment when it can be reasonably determined that the injured worker will, as a result of the injury, be unable to resume the regular duties in which ~~he was~~ engaged at the time of injury, or when the period of total incapacity for work exceeds 120 continuous days, whichever first occurs.
- b) The assessment shall address the necessity for a plan or program, which may include medical and vocational evaluation, modified or limited duty, and/or retraining, as necessary.
- c) At least every 4 months thereafter, provided the injured employee was and has remained totally incapacitated for work, or until the matter is terminated by order or award of the ~~Industrial~~-Commission or by written agreement of the parties approved by the ~~Industrial~~-Commission, the employer or his [or her](#) representative in consultation with the employee, and if represented, with his [or her](#) representative shall:
 - 1) if the most recent previous assessment concluded that no plan or program was then necessary, prepare a written review of the continued appropriateness of that conclusion; or
 - 2) if a plan or program had been developed, prepare a written review of the continued appropriateness of that plan or program, and make in writing any necessary modifications.
- d) A copy of each ~~such~~ written assessment, plan or program, review and modification shall be provided to the employee and/or his [or her](#) representative at

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the time of preparation, and an additional copy shall be retained in the file of the employer and, if insured, in the file of the insurance carrier, to be made available for review by the ~~Industrial~~-Commission on its request until the matter is terminated by order or award of the ~~Industrial~~-Commission or by written agreement of the parties approved by the ~~Industrial~~-Commission.

- e) The rehabilitation plan shall be prepared on a form furnished by the ~~Industrial~~ Commission.

(Source: Amended at 30 Ill. Reg. 11743, effective June 22, 2006)

Section 7110.30 Commission Meetings: Minutes

The ~~Industrial~~-Commission shall keep a record of the minutes of all its duly convened meetings, exclusive of deliberations on cases pending before the Commission; ~~The~~which minutes shall be open to the public for inspection.

(Source: Amended at 30 Ill. Reg. 11743, effective June 22, 2006)

Section 7110.40 Petition to Suspend Compensation for Failure to Submit to Proper Medical Treatment

Petitions to suspend compensation, as provided in ~~Section 19(d) paragraph (d), Section 19~~ of the ~~Workers' Compensation~~-Act, shall be docketed and set for hearing as soon as possible, except that, ~~if~~where an emergency is alleged in the petition, it shall immediately be set for hearing, ~~and reasonable notice of the time and place thereof given the injured employee.~~ All ~~such~~ petitions shall give the nature of the injury and the treatment required. ~~Reasonable notice~~Notice of the time and place of hearing shall be served upon the injured party either personally or by registered mail.

(Source: Amended at 30 Ill. Reg. 11743, effective June 22, 2006)

Section 7110.50 Petitions under Section 19(o) of the Act

- a) A petition filed under Section 19(o) of the Act alleging that the insurer made payments in a case that was not compensable; shall provide the following information:
- 1) ~~The~~ name and address of the employer;

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- 2) ~~The~~ name and address of the employee;
 - 3) ~~The~~ name and address of the insurance carrier;
 - 4) ~~The~~ date of the alleged accident giving rise to the petition;
 - 5) ~~The~~ benefits paid by the insurance carrier ~~and~~; the dates of ~~the paymentsaid payment~~;
 - 6) whether Application for Adjustment of Claim was filed with the ~~Industrial~~ Commission and the ~~Industrial~~ Commission number assigned to ~~the applicationsaid Application~~;
 - 7) a brief statement of the basis for the insured's claim that the case was not compensable.
- b) Consideration of a Section 19(o) Petition
- 1) The Commission, on receipt of the 19-o petition, shall docket ~~the petitionsame~~ and forward a copy of the petition to the insurance carrier and the attorney of record, together with notice of a hearing date not less than 30 days nor more than 60 days from the date the petition is filed.
 - 2) The insurance carrier may answer the 19-o petition by filing with the Commission and serving the employer with a copy of its answer within 30 days ~~afterof the~~ receipt of the petition. The answer shall bear the same heading as the 19-o petition and shall respond to the allegations on a paragraph-by-paragraph basis.
 - 3) The 19-o matter shall, on the hearing date, be assigned to an Arbitrator in the same manner as an arbitrated case. The Arbitrator shall then hold an informal hearing with the employer and the insurance company in an attempt to resolve the dispute or narrow the issues. If the dispute cannot be resolved at the informal hearing, the Arbitrator shall file a written statement of the issues to be resolved by a Commissioner and the positions of each party. If possible, the statement should be agreed to by each party. The matter will then be assigned for hearing before a Commissioner in the same manner as ~~reviews~~ Reviews are assigned.

(Source: Amended at 30 Ill. Reg. 11743, effective June 22, 2006)

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Section 7110.60 Distribution of Industrial Commission Handbook

An employer, upon receiving notice of an accident reportable pursuant to Section 6(b) ~~of the Act,~~ shall deliver the ~~Industrial Commission instruction Handbook~~ to the injured employee, or determine that the employee has ~~the such~~ handbook, ~~published in Section 15(a) to the injured employee.~~ An employer, individually or by his or her agent, service company or insurance carrier shall indicate, upon filing a first report of injury as provided in Section 6(b), of the Act, that a copy of the handbook ~~published by the Industrial Commission as provided in Section 15(a) of the Act~~ has been delivered to the injured employee.

(Source: Amended at 30 Ill. Reg. 11743, effective June 22, 2006)

Section 7110.70 Explanation of Basis of Non-Payment, Termination or Suspension of Temporary Total Compensation or Denial of Liability or Further Responsibility for Medical Care

- a) When an employee becomes unable to work due to an accidental or occupational disease arising out of or in the course of his or her employment, or alleges that he or she is unable to work, the employer, individually or by his or her agent, service company or insurance carrier, shall, within 14 calendar days ~~after~~ notification or knowledge of such inability or ~~alleged~~ alleges inability to work:
- 1) begin payment of temporary total compensation, if any is then due; or
 - 2) if the employer denies liability for payment of temporary total compensation for whatever reason, provide the employee with a written explanation of the basis for ~~the such~~ denial; or
 - 3) if the employer has insufficient information to determine its liability for payment of temporary total compensation, advise the employee in writing of the information needed to make that determination and provide in a written explanation why the requested information is necessary.
- b) When an employer begins payment of temporary total compensation and later terminates or suspends further payment before an employee in fact has returned to work, ~~the such~~ employer shall provide the employee with a written explanation of the basis for ~~the such~~ termination or suspension of further payment no later than the date of the last payment of temporary total compensation.

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- c) When an employer takes the position that it has insufficient medical information to determine its liability for the initial payment of temporary total compensation, or the continuation of such payment, ~~the~~such employer shall have the initial responsibility to promptly seek the desired information from those providers of medical, hospital and surgical services of which the employer has knowledge. The employee shall have the responsibility to provide or execute ~~such~~ authorizations for release of medical information as the employer may reasonably request from time to time, and the employer shall promptly provide the employee or his or her representative, upon request, with copies of ~~the~~those complete medical records and reports it obtains with ~~the~~such authorizations.
- d) ~~When~~Where an employer denies liability for payment of the cost of all or a part of an employee's medical care, or initially accepts liability but subsequently declines further responsibility for providing or paying for all or a part of such care (for any reason including but not limited to the necessity or propriety of ~~the~~such care, or continuing care, or the unreasonableness of the cost of ~~such~~ care), the employer shall promptly notify the employee with a written explanation of the basis for the denial of liability or further responsibility.
- e) Failure by either party to comply with the provisions of ~~subsection~~paragraphs (a), (b), (c) or (d) of this Section, without good and just cause, shall be considered by the Commission or an Arbitrator when adjudicating a petition for additional compensation pursuant to Section 19(l) of the Act, or a petition for assessment of attorneys' fees and costs pursuant to Section 16 of the Act.

(Source: Amended at 30 Ill. Reg. 11743, effective June 22, 2006)

**Section 7110.80 Rate Adjustment Fund and Second Injury Fund Contributions:
Compliance**

- a) Employers Required to Make Payments to Rate Adjustment Fund and Second Injury Fund
Any employer who shall come within the provisions of Section 3 of the ~~Workers' Compensation Act (the Act) (Ill. Rev. Stat. 1989, ch. 48, par. 138.3)~~ or any employer who shall elect to provide and pay the compensation provided for in the ~~Workers' Compensation Act and the Workers' Occupational Diseases Act [820 ILCS 310](Ill. Rev. Stat. 1989, ch. 48, par. 172.36 et seq.)~~ shall pay into the Rate Adjustment Fund and the Second Injury Fund in accordance with the provisions of Section 7(f) of the Act.

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b) Penalties

- 1) *If the Commission finds, after reasonable notice and hearing in accordance with subsection (e), that an employer or insurance carrier on behalf of the employer has wilfully and knowingly failed to pay any obligations accruing after December 18, 1989 into the Rate Adjustment Fund or the Second Injury Fund as required by Section 7(f) of the Act or if such payments are not made within the time periods prescribed by Section 7(f) of the Act, the employer shall, in addition to such payments, pay a penalty of 20% of the amount required to be paid or ~~two thousand five hundred dollars (\$2,500.00)~~, whichever is greater, for each year or part thereof of such failure to pay. (Section 7(f) of the Act)*
- 2) Obligations accruing prior to December 18, 1989:
 - A) *Any obligations of an employer or insurance carrier to the Rate Adjustment Fund or the Second Injury Fund accruing prior to December 18, 1989 shall be paid in full by such employer within 5 years of December 18, 1989, with at least one-fifth of such obligation to be paid during each year following December 18, 1989. (Section 7(f) of the Act)*
 - i) Such obligations shall be paid pursuant to an agreement signed by the employer or by the insurance carrier on behalf of the insured employer.
 - ii) The agreement shall include the amount of the obligation and the date each payment is due.
 - B) *If the Commission finds, after reasonable notice and hearing in accordance with subsection (e), that an employer or insurance carrier has failed to make timely payments of any obligation accruing in subsection ~~(b)(2)(A)2(A)~~ above, the employer shall, in addition to all other payments required, be liable for a penalty equal to 20% of the overdue obligation or ~~two thousand five hundred dollars (\$2,500.00)~~, whichever is greater, for each year or part thereof, that the obligation is overdue. (Section 7(f) of the Act)*
- 3) *The Commission may for good cause shown waive all or part of any*

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penalty assessed. The decisions of the Commission under Section 7(f) of the Act shall serve as precedents in determining good cause.

- c) Verification of amounts paid by employers into the Rate Adjustment Fund and Second Injury Fund.
- 1) *The Chairman shall by May 1 of each year furnish to the Director of the Illinois Department of Insurance a list of the amounts paid into the Second Injury Fund and the Rate Adjustment Fund by each insurance company on behalf of their insured employers. The Director shall verify to the Chairman on or before September 1 of each year that the amounts paid by each insurance company are accurate as best the Director can determine from the records available to the Director.*
 - 2) *The Chairman shall verify that the amounts paid by each self-insurer are accurate as best as the Chairman can determine from records available to the Chairman.* (Section 7(f) of the Act) The Chairman may, upon written notice, require that each self-insurer provide the following:
 - A) *Information on forms provided by the Commission concerning the total compensation payments made upon which contributions to the Rate Adjustment Fund and Second Injury Fund are predicated, and*
 - B) *Any additional information establishing that payments have been made into the Rate Adjustment Fund and the Second Injury Fund.* (Section 7(f) of the Act) Such additional information shall include, but not be limited to, cancelled checks or other proof of payment.
 - 3) Any information requested under subsection (c)(2) ~~above~~ shall be provided to the Commission by the self-insurer within ~~30~~^{thirty} ~~(30)~~ days ~~after~~^{of} the date of the notice.
- d) Notice of Deficiency – Informal Conference
- 1) Notice of Deficiency
 - A) ~~When~~^{Where} the records of the ~~Industrial~~ Commission or the Department of Insurance show that a deficiency exists regarding payment into the Rate Adjustment Fund or the Second Injury

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Fund, the ~~Industrial~~ Commission shall give notice of the deficiency to the insurance carrier⁵, or the self-insured employer. Service of the Notice of Deficiency shall be by United States registered or certified mail, addressed to the insurance company or the self-insured employer at the last known address, or to a representative thereof, and to the State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund.

- B) The Notice of Deficiency shall be a written statement setting forth, but not limited to, the following information:
- i) the name and address of the insurance carrier, or the self-insured employer or representative ~~thereof~~;
 - ii) a statement of the statute alleged to be violated, the dates of non-payment or underpayment, the amount of deficiency and the penalty ~~that~~^{which} may be imposed;
 - iii) a statement that the self-insured employer or insurance carrier must cure the deficiency or otherwise respond in writing within ~~30~~^{thirty (30)} days ~~after~~^{of} the receipt of the Notice;
 - iv) a statement that the failure to respond to a Notice of Deficiency within the prescribed time period shall cause the Commission to set the matter for hearing in accordance with subsection (e).

2) Informal Conference

- A) ~~When~~^{Where} a Notice of Deficiency has been sent, the Commission may² at the request of the self-insured employer or insurance carrier, or on its own initiative, schedule the matter for an informal conference at which a designated representative of the Commission shall meet with the self-insured employer or the insurance carrier in an attempt to resolve the matter. An informal conference will not be scheduled when the self-insured employer or the insurance carrier cures the deficiency within ~~30~~^{thirty (30)} days ~~after~~^{of} receipt of the Notice of Deficiency.

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- B) A request by the self-insured employer or the insurance carrier for an informal conference shall be included in the response to the Notice of Deficiency.
 - C) The Commission shall send written notice of the time and place of the conference to the self-insured employer or the insurance carrier and State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund at least ~~15~~^{fifteen} (15) days prior to the scheduled conference.
 - D) The conference shall be held at a site designated by the Commission.
 - E) If the matter cannot be resolved at the conference, the Commission shall set the matter for hearing in accordance with subsection (e).
- e) Hearings
- 1) Notice of Hearing; Locations
 - A) Any matter under this Section is commenced by the ~~Industrial~~ Commission by service of a Notice of Hearing upon the insurance carrier or self-insured employer, and the State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund. Notice of Hearing shall be given at least ~~30~~^{thirty} (30) days prior to the time fixed for hearing. Service of the Notice of Hearing shall be by United States registered or certified mail, addressed to the insurance carrier or the self-insured employer at the last known address, or to a representative thereof, and to the State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund.
 - B) The Notice of Hearing shall be a written statement setting forth, but not limited to, the following information:
 - i) the name and address of the insurance carrier or self-insured employer;
 - ii) the time, date and place of hearing;

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- iii) the name of the hearing Commissioner;
 - iv) a statement of the statute alleged to be violated and the penalty ~~that~~~~which~~ may be imposed;
 - v) a statement of the amount of the deficiency and the dates of non-payment or underpayment;
 - vi) a statement that failure to appear at the hearing, where no continuance has been obtained from the Commissioner prior to the hearing, shall constitute a default and will result in a finding that there has been a wilful and knowing failure to comply with Section 7(f) of the Act, and an assessment of penalties.
- C) The hearing shall be set at a site designated by the assigned Commissioner.
- 2) Assignment
- A) In cases ~~in which~~~~where~~ the employer is principally located in Cook County, a matter to be scheduled for hearing under this Section shall be randomly assigned to a Commissioner.
 - B) In all other cases, a matter to be scheduled for hearing under this Section shall be assigned to a Commissioner who serves ~~the~~~~that~~ territory within which the employer is principally located.
- 3) Conduct of Hearings
- A) A representative of the Commission shall have the opportunity to introduce evidence, to call and examine witnesses and to cross-examine witnesses. The records of the ~~Industrial~~Commission and the Department of Insurance regarding deficiency in payment shall be considered prima facie evidence of failure to comply with Section 7(f) of the Act.
 - B) At the hearing, the insurance carrier or self-insured employer, or its attorney, shall be given the opportunity to rebut the evidence of deficiency.

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- C) Any party, including the State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund, shall have the right to introduce evidence, to call and examine witnesses and to cross-examine witnesses. The representative of the Commission shall have the right of rebuttal.
- D) *The Commission, or any member thereof, shall have the power to administer oaths, to subpoena and examine witnesses and to issue subpoena duces tecum requiring the production of such books, papers, records or documents as may be evidence to determine the issue of non-compliance.* (Section 16 of the Act)
- E) The Illinois common law rules of evidence and Article VIII of the Code of Civil Procedure [\[735 ILCS 5/Art. VIII\]](#)~~(Ill. Rev. Stat. 1989, ch. 110, par 8-101 et seq.)~~ shall apply at the hearing except to the extent they conflict with the Act, the Workers' Occupational Diseases Act and the Rules Governing Practice Before the [Illinois Workers' Compensation Industrial](#) Commission (50 Ill. Adm. Code: [Ch. II](#)~~Chapter II~~).
- f) **Decision**
The Commission, after the hearing is concluded, shall issue a decision in accordance with Section 7(f) of the Act, which shall include:
- 1) the findings of the Commission;
 - 2) where applicable, the amount of the penalty assessed and the basis for the amount;
 - 3) the payment procedures as provided in subsection (g);
 - 4) a statement of the conditions for a judicial review of the Commission decision in accordance with the requirement of 50 Ill. Adm. Code 7060.
- g) **Payment Procedure**
~~When~~Where the Commission assesses a penalty against an employer in accordance with Section 7(f) of the Act, payment shall be made according to the following procedure:

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- 1) payment of the penalty shall be made by certified check or money order made payable to the State of Illinois.
- 2) payment shall be mailed or presented within ~~30~~^{thirty (30)} days ~~after~~^{of} the final order of the Commission or the order of the court on review after final adjudication to:

Illinois ~~Workers' Compensation~~^{Industrial} Commission
Fiscal Office
100 West Randolph Street
Suite 8-328
Chicago, Illinois 60601
1-312/814-6625

(Source: Amended at 30 Ill. Reg. 11743, effective June 22, 2006)

Section 7110.90 Illinois Workers' Compensation Commission Medical Fee Schedule

- a) In accordance with Sections 8(a), 8.2 and 16 of the Workers' Compensation Act [820 ILCS 305/8(a), 8.2 and 16] (the Act), the Illinois Workers' Compensation Commission Medical Fee Schedule, including payment rates, instructions, guidelines, and payment guides and policies regarding application of the schedule, is adopted as a fee schedule to be used in setting the maximum allowable payment for a medical procedure, treatment or service covered under the Act. The fee schedule is published on the Internet at no charge to the user via a link from the Commission's website at www.iwcc.il.gov. The fee schedule may be examined at any of the offices of the Illinois Workers' Compensation Commission.
- b) The payment rates for procedures, ~~services~~ or treatments in the fee schedule were established in accordance with Section 8.2 of the Act by determining 90% of the 80th percentile of charges utilizing health care provider and hospital charges from August 1, 2002 through August 1, 2004. The charges were adjusted by the Consumer Price Index-U for the period August 1, 2004 through September 30, 2005. The payment rates in the fee schedule are designated by geozip (geographic area in which all zip codes have the same first 3 digits).
- c) The fee schedule applies to any medical procedure, treatment or service covered by the Act and rendered on or after February 1, 2006, regardless of the date of injury.

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- d) Under the fee schedule, the employer pays the lesser of the rate set forth in the schedule or the provider's actual charge. If an employer or insurance carrier contracts with a provider for the purpose of providing services under the Act, the rate negotiated in the contract shall prevail.
- e) Whenever the fee schedule does not set a specific fee for a procedure, treatment or service in the schedule, the amount of reimbursement shall be at 76% of actual charge, except where this Section provides that revenue codes (codes that identify a specific accommodation or ancillary charge on a UB-92/CMS 1450 uniform billing form used by hospitals) are to be deducted from the charge and reimbursed at 65% of charge billed at the provider's normal rates under its standard chagemaster. A standard chagemaster is the provider's list of charges for procedures, services and supplies used to bill payers in a consistent manner.
- f) Reimbursement under the fee schedule for a procedure, treatment or service, as designated by the geozip where the treatment occurred, shall be based on the place of service.
- g) Out-of-State Treatment
- 1) If the procedure, treatment or service is rendered outside the State of Illinois, the amount of reimbursement shall be the greater of 76% of actual charge or the amount set forth in a workers' compensation medical fee schedule adopted by the state in which the procedure, treatment or service is rendered, if such a schedule has been adopted. Charges for a procedure, treatment or service outside the State shall be subject to the instructions, guidelines, and payment guides and policies in this fee schedule.
- 2) Where the charges are for facility fees (ambulatory surgical treatment center, hospital inpatient (standard and trauma), and hospital outpatient services), the following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chagemaster.
- h) The fee schedule includes the following service categories:

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1) [Ambulatory Surgical Treatment Center \(ASTC\)](#)

- A) [This schedule applies to licensed ambulatory surgical treatment centers as defined by the Illinois Department of Public Health \(77 Ill. Adm. Code 205.110\).](#)
- B) [All procedures, treatments and services subject to this schedule are reimbursed at 76% of actual charge, except as provided in subsection \(h\)\(1\)\(C\).](#)
- C) [The following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 \(prosthetics/orthotics\); 0275 \(pacemaker\); 0276 \(lens implant\); 0278 \(implants\); 0540 and 0545 \(ambulance\); 0624 \(investigational devices\); and 0636 \(drugs requiring detailed coding\). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.](#)
- D) [ASTC facility charges, and professional services performed in an ASTC billed by an ASTC using the ASTC's tax identification number, shall be subject to the ASTC schedule and are not subject to the HCPCS Level II schedule in subsection \(h\)\(5\) or the professional services schedule in subsection \(h\)\(8\). Health care professionals who perform services in an ASTC and bill for services using their own tax identification number on a separate claim form shall be subject to the HCPCS Level II schedule in subsection \(h\)\(5\) or the professional services schedule in subsection \(h\)\(8\) and are not covered under the ASTC schedule.](#)

2) [Anesthesia](#)

- A) [The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515 North State Street, Chicago, Illinois 60610, 2006, no later dates or editions, and the Relative Value Guide, American Society of Anesthesiologists, 520 North Northwest Highway, Park Ridge, Illinois 60068-2573, 2006, no later dates or editions.](#)
- B) [This schedule was established utilizing health care provider charges from August 1, 2002 through August 1, 2004 from which a](#)

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conversion factor was established. The maximum fee schedule reimbursement amount is determined by multiplying the conversion factor set forth in the schedule by the sum of all units according to guidelines set forth in the Relative Value Guide as follows:

i) Base Value + Time Units + Modifying Units = Total Units

Total Units x Conversion Factor = Total Fee

ii) Physical status modifying units may be added to the basic value and time units and, in addition, units may be added for qualifying circumstances (extraordinary circumstances) in accordance with the Relative Value Guide.

C) Special coding situations, such as those involving multiple procedures, additional procedures, unusual monitoring, prolonged physician services, postoperative pain management, monitored (stand-by) anesthesia, invasive anesthesia and chronic pain management services, require application of the fee schedule in a manner consistent with the Relative Value Guide.

D) Anesthesia time begins when an anesthesiologist or certified registered nurse anesthetist (CRNA) physically starts to prepare the patient for the induction of anesthesia in the operating room (or its equivalent) and ends when the anesthesiologist is no longer in constant attendance (when the patient is safely put under postoperative supervision).

3) Dental

All procedures, treatments and services are reimbursed at 76% of actual charge unless services are billed under the HCPCS Level II schedule in subsection (h)(5) or professional fee schedule in subsection (h)(8).

4) Emergency Room Facility

A) This schedule applies to any department or facility of a hospital licensed by the Illinois Department of Public Health pursuant to the Hospital Licensing Act [210 ILCS 85] that:

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patients into homogeneous classifications that demonstrate similar length-of-stay patterns and use of hospital resources. The DRG determines the maximum amount of payment for an inpatient hospital stay, except as provided in subsections (h)(6)(E) and (h)(6)(F).

- B) Inpatient care shall be defined as when a patient is admitted to a hospital where services include, but are not limited to, bed and board, nursing services, diagnostic or therapeutic services, and medical or surgical services.
- C) Inpatient hospital bills are subject to the hospital inpatient standard schedule. Inpatient hospital bills from trauma centers designated as Level I and Level II trauma centers by the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 515.2030 and 515.2040 and that contain an admission type of "5" on a UB-92/CMS 1450 FL 19 (uniform billing form used by hospitals; FL 19 is the form locator number that indicates where the codes are to be listed on the UB-92/CMS 1450 form) are subject to the hospital inpatient trauma schedule.
- D) Hospital providers must identify the DRG code on each bill (UB-92/CMS 1450 claim form). The DRG assignment should be made in a manner consistent with the grouping practices used by the hospital when billing both government and private carriers.
- E) The following revenue codes/pass-through charges are deducted from the DRG charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). If the maximum amount of payment for an inpatient hospital stay is 76% of actual charge, the DRG charge is determined after the pass-through charges are removed. Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.
- F) In the case of cost outliers (extraordinary treatment in which the bill for an inpatient stay is equal to or above two times the fee schedule amount for the assigned DRG after pass-through revenue

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code charges referred to in subsection (h)(6)(E) have been deducted), the maximum reimbursement amount will be the assigned DRG fee schedule amount plus 76% of the charges that exceed that DRG amount. The pass-through revenue code charges are reimbursed at 65% of actual charge and shall be billed at the provider's normal rates under its standard chargemaster.

7) Hospital Outpatient

A) All procedures, treatments and services subject to this schedule are reimbursed at 76% of actual charge, except as provided in subsection (h)(7)(B).

B) When hospital outpatient services involve ambulatory surgical procedures, the following revenue codes are pass-through charges to be deducted from the charge and reimbursed at 65% of actual charge: 0274 (prosthetics/orthotics); 0275 (pacemaker); 0276 (lens implant); 0278 (implants); 0540 and 0545 (ambulance); 0624 (investigational devices); and 0636 (drugs requiring detailed coding). Charges billed under these revenue codes shall be billed at the provider's normal rates under its standard chargemaster.

C) Hospital outpatient facility charges, and professional services performed in a hospital outpatient facility billed by the facility using the facility's tax identification number, shall be subject to the hospital outpatient schedule and are not subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8). Health care professionals who perform services in a hospital outpatient facility and bill for services using their own tax identification number on a separate claim form shall be subject to the HCPCS Level II schedule in subsection (h)(5) or the professional services schedule in subsection (h)(8) and are not covered under the hospital outpatient schedule.

8) Professional Services

A) The use of this schedule is in accordance with the Current Procedural Terminology, American Medical Association, 515

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North State Street, Chicago, Illinois 60610, 2006, no later dates or editions.

- B) Services in this schedule include evaluation and management, surgery, physician, medicine, radiology, pathology and laboratory, chiropractic, physical therapy, and any other services covered under the Current Procedural Terminology.
 - C) Reimbursement for services under this schedule shall be in accordance with the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
 - D) Surgery services under this schedule shall be reimbursed in accordance with the Payment Guide to Global Days, Multiple Procedures, Bilateral Surgeries, Assistant Surgeons, Co-Surgeons, and Team Surgery in Section 8B of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
 - E) Medicine services under this schedule shall be reimbursed in accordance with the professional, technical and total component categories outlined in Section 8E of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
 - F) Pathology and laboratory services under this schedule shall be reimbursed in accordance with the professional, technical and total component categories outlined in Section 8D of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
 - G) Radiology services under this schedule shall be reimbursed in accordance with the professional, technical and total component categories outlined in Section 8C of the instructions and guidelines in the fee schedule and the modifiers table in Section 8F of the instructions and guidelines in the fee schedule.
- i) The fee schedule requires that services be reported with the HCPCS Level II or Current Procedural Terminology codes that most comprehensively describe the services performed. Proprietary bundling edits more restrictive than the National

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Correct Coding Policy Manual in Comprehensive Code Sequence for Part B Medicare Carriers, Version 12.0, U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, 2006, no later dates or editions, are prohibited. Bundling edits is the process of reporting codes so that they most comprehensively describe the services performed.

- j) An allied health care professional, such as a certified registered nurse anesthetist (CRNA), physician assistant (PA) or nurse practitioner (NP), is to be reimbursed at the same rate as other health care professionals when the allied health care professional is performing, coding and billing for the same services as other health care professionals.
- k) Charges of an independently operated diagnostic testing facility shall be subject to the professional services and HCPCS Level II fee schedules where applicable. An independent diagnostic testing facility is an entity independent of a hospital or physician's office, whether a fixed location, a mobile entity, or an individual **nonphysician practitioner**, in which diagnostic tests are performed by licensed or certified **nonphysician** personnel under appropriate **physician** supervision.
- l) No later than September 30, 2006 and each year thereafter, the Commission shall make an automatic adjustment to the maximum payment for a procedure, treatment or service in effect in January of that year. The Commission shall increase or decrease the maximum payment by the percentage change of increase or decrease in the Consumer Price Index-U for the 12-month period ending August 31 of that year. The change shall be effective January 1 of the following year. *The Consumer Price Index-U means the index published by the Bureau of Labor Statistics of the U.S. Department of Labor that measures the average change in prices of all goods and services purchased by all urban consumers, U.S. city average, all items, 1982-84=100.* (Section 8.2 of the Act)

(Source: Added at 30 Ill. Reg. 11743, effective June 22, 2006)

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Emergency Action:</u>
240.810	Amendment
240.920	Amendment
240.950	Amendment
- 4) Statutory Authority: 20 ILCS 105/4.01(11)
- 5) Effective Date of Emergency Amendments: July 1, 2006
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date filed with the Index Department: June 26, 2006
- 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: These emergency amendments are being filed in order to increase the asset level from \$12,500 to \$17,500 for eligibility determinations under the Community Care Program, effective July 1, 2006. Such an adjustment will allow more senior citizens to receive in-home services instead of being prematurely and unnecessarily institutionalized. Expedited action is in keeping with departmental responsibility to reform long-term care and implement the State's budget for fiscal year 2007 in a timely manner.
- 10) A Complete Description of the Subjects and Issues Involved: Amendments are being proposed so the rules for the Community Care Program will reflect: the change in the name of the Department of Public Aid to the Department of Healthcare and Family Services as a result of Executive Order 2005-3; an increase in the asset level from \$12,500 to \$17,500 for eligibility determinations; and an increase in the spend down level from \$10,500 to \$15,500 for non-exempt assets owed by married couples for Medicaid enrollment.
- 11) Are there any proposed rulemakings pending on this Part? Yes

SectionActionIllinois Register Citation

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

240.2020	Amendment	30 Ill. Reg. 9949; 6/2/06
240.2040	Amendment	30 Ill. Reg. 9949; 6/2/06

- 12) Statement of Statewide Policy Objectives: This emergency rulemaking does not create or enlarge any State mandate.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

George M. Sisk
General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, Illinois 62701-1789

217/785-3346

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

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

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

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

SUBPART B: SERVICE DEFINITIONS

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

SUBPART C: RIGHTS AND RESPONSIBILITIES

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

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SUBPART D: APPEALS

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

SUBPART E: APPLICATION

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

SUBPART F: ELIGIBILITY

Section	
240.600	Eligibility Requirements
240.610	Establishing Eligibility
240.620	Home Visit
240.630	Determination of Eligibility

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240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

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

SUBPART H: FINANCIAL REQUIREMENTS

Section	
240.800	Financial Factors
240.810	Assets
<u>240.815</u>	<u>Exempt Assets</u>
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income
240.840	Potential Retirement, Disability and Other Benefits
240.845	Family
240.850	Monthly Average Income
240.855	Applicant/Client Expense for Care
240.860	Change in Income
240.865	Application For Medical Assistance (Medicaid)

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- 240.870 Determination of Applicant/Client Monthly Expense for Care
240.875 Client Responsibility

SUBPART I: DISPOSITION OF DETERMINATION

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

SUBPART J: SPECIAL SERVICES

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

SUBPART K: TRANSFERS

- Section
240.1110 Individual Transfer Request – Vendor to Vendor – No Change in Service
240.1120 Individual Transfer Request – Vendor to Vendor – With Change in Service
240.1130 Individual Transfers – Case Coordination Unit to Case Coordination Unit
240.1140 Transfer of Pending Applications
240.1150 Interagency Transfers
240.1160 Temporary Transfers – Case Coordination Unit to Case Coordination Unit
240.1170 Caseload Transfer – Vendor to Vendor
240.1180 Caseload Transfer – Case Coordination Unit to Case Coordination Unit

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SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

- Section
- 240.1210 Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

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

SUBPART N: CASE COORDINATION UNITS

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

SUBPART O: PROVIDERS

- Section
- 240.1510 Provider Administrative Minimum Standards
- 240.1520 Provider Responsibilities
- 240.1530 General Homemaker Staffing Requirements
- 240.1535 Homemaker Staff Positions, Qualifications and Responsibilities
- 240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)
- 240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)
- 240.1550 Standard Requirements for Adult Day Service Providers
- 240.1555 General Adult Day Service Staffing Requirements
- 240.1560 Adult Day Service Staff
- 240.1565 Adult Day Service Satellite Sites

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- 240.1570 Service Availability Expansion
- 240.1575 Adult Day Care Site Relocation
- 240.1580 Standards for Alternative Providers
- 240.1590 Standard Requirements for Individual Provider Services

SUBPART P: PROVIDER PROCUREMENT

Section

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

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section

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

SUBPART R: ADVISORY COMMITTEE

Section

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

SUBPART S: PROVIDER RATES

Section

- 240.1910 Establishment of Fixed Unit Rates

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

SUBPART T: FINANCIAL REPORTING

Section

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

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

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire

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

SUBPART H: FINANCIAL REQUIREMENTS

Section 240.810 Assets**EMERGENCY**

- a) To be eligible to receive Community Care Program (CCP) services, an applicant/client shall not own interest in non-exempt assets having a combined value in excess of ~~\$17,500~~\$12,500, if:
- 1) unmarried; or
 - 2) married and:
 - A) spouse is receiving CCP services; or

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- B) spouse is in a nursing home; or
- C) spouse does not reside on a permanent basis with and does not receive support from or give support to the applicant/client; or
- D) spouse is abandoned; or
- E) spouse is potentially abusing the applicant/client.

EXCEPTION: An applicant/client, who is married and the spouse does not receive CCP services, shall not own interest in non-exempt assets having a total value in excess of the asset disregard amount allowed by the Illinois Department of Healthcare and Family Services~~Public Aid~~ for Medicaid which is currently \$2,000 + \$1,500 in a pre-paid burial plan or life insurance policy + burial merchandise. Non-exempt assets having value over the asset disregard amount described above and up to the amount allowed by the Community Spouse Asset Allowance, as adopted by the Illinois Department of Healthcare and Family Services~~Public Aid~~ at 89 Ill. Adm. Code 120.379(d), must be transferred to or for the sole benefit of the community spouse. If the couple owns assets that exceed the asset disregard and prevention of spousal impoverishment amounts allowed by statute, the excess (up to ~~\$15,500~~\$10,500 of non-exempt assets after transfer; and/or up to \$1,800 of countable monthly income after diversion) shall be designated as a spend down, to be spent before Medicaid enrollment is established.

- b) The value of non-exempt assets shall be considered in determining eligibility for the Community Care Program.
- c) All assets not specifically exempt are non-exempt.
- d) When a client's non-exempt assets are greater than the allowable disregard as specified in subsection (a), consideration of non-liquid assets may be deferred as follows:
 - 1) real property may be deferred from consideration for six months;
 - 2) the client shall sign an agreement to dispose of the real property in excess of the allowable disregard within six months from the date of the agreement; and

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- 3) the six month period for disposition may be extended an additional six months if the client fails to dispose of the asset (through no fault of his/her own) despite reasonable and diligent effort.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days)

SUBPART I: DISPOSITION OF DETERMINATION

Section 240.920 Reasons for Denial**EMERGENCY**

Denial of Community Care Program (CCP) eligibility shall be based upon one or more of the reasons identified below:

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

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- j) Applicant/authorized representative has not provided reasonable documentation supporting eligibility as required by the Department or its Case Coordination Unit (CCU) within 90 calendar days from the date of receipt of the completed application.
- k) Applicant/authorized representative has not cooperated with the Department/CCU/vendor as required and as specified by Section 240.350.
- l) Applicant does not meet citizenship requirements.
- m) Applicant does not meet residency requirements.
- n) A plan of care cannot be developed that adequately meets the applicant's determined needs.
 - 1) The determination that an adequate plan of care cannot be developed shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the supportive endorsement that an adequate plan of care cannot be developed shall be so documented.
 - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care cannot be developed in accordance with Section 240.715.
- o) The total value of applicant's non-exempt assets is in excess of ~~\$17,500~~\$12,500.
- p) Applicant has not provided the Physician, Nurse Practitioner, Registered Nurse or Christian Science Practitioner endorsement as required by Section 240.730(d).
- q) Eligibility could not be established for an applicant who was receiving interim services based upon presumptive eligibility as required by Section 240.1020.
- r) Applicant/authorized representative provided fraudulent information.
- s) Applicant whose CCP services were previously denied or terminated for non-cooperation as set forth in Section 240.350 shall be denied services upon re-application, except as the situation or condition which led to the memorandum of

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understanding (see Section 240.350) has been permanently resolved.

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

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days)

Section 240.950 Reasons for Termination**EMERGENCY**

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

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

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- e) client has requested termination of services;
- f) client refuses transfer to a different vendor/Case Coordination Unit (CCU) and the current vendor/CCU cannot provide services needed by the client;
- g) client has failed to cooperate with the Department/CCU/vendor as required and as specified in Section 240.350;
- h) client no longer meets citizenship requirements;
- i) client no longer meets residency requirements;
- j) a plan of care cannot be developed that adequately meets the client's determined needs in accordance with Section 240.715.
 - 1) Such determination shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the endorsement shall be so documented.
 - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care (see Section 240.730(d)) cannot be developed;
- k) client's non-exempt assets have increased and exceed ~~\$17,500~~\$12,500 (see Section 240.810(a));
- l) client failed to report the transfer of non-exempt assets as required by Section 240.820;
- m) client, initially determined eligible prior to July 6, 1982 (see Section 240.800(a) and (b)), who has had continuous service since that time, refuses to declare income/assets upon redetermination;
- n) client has failed to report or refused to provide documentation of changes in circumstances as required by Section 240.360;
- o) client refuses to sign a Client Agreement – Plan of Care (see Section 240.855(c));
- p) client rejects CCP services under Section 240.330 and has so indicated on the

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Client's Vendor Selection form;

- q) a client, whose CCP services were discontinued for non-payment of incurred expense for care, has not made payment for the indebtedness, and has not received CCP services for more than one year (see Section 240.935(e)); or
- r) effective July 1, 2002, client refuses to apply for medical assistance (Medicaid) under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V].

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days)

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: New Teacher Induction and Mentoring
- 2) Code Citation: 23 Ill. Adm. 65
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
65.10	New Section
65.20	New Section
65.110	New Section
65.120	New Section
65.130	New Section
65.140	New Section
65.150	New Section
65.160	New Section
- 4) Statutory Authority: 105 ILCS 5/21A-35
- 5) Effective Date of Rules: June 26, 2006
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed with the Index Department: June 26, 2006
- 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) Reason for Emergency: These rules are being presented on an emergency basis because of the clear desirability of selecting the participating entities for this program as quickly as possible. Awaiting the conclusion of the regular rulemaking process would not permit the establishment of programs until the mid-point of the school year. We believe this would be contrary to the intent of the General Assembly in making the appropriation for this new program.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking responds to a line item appropriation received by ISBE in the FY 07 budget for the "Beginning Teacher Induction Pilot Program". This is a new initiative authorized under Article 21A of the School Code, which was enacted in 2003 to provide for statewide induction and mentoring programs but also permits competitive grant programs in any year when the appropriation is not sufficient for that purpose. This is the first appropriation received under Article 21A.

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

The purpose of the pilot program is to support and study induction program models that provide for intensive interaction between new teachers and the mentors with whom they are paired. Significant amounts of time are to be set aside for their work together, and structured opportunities for ongoing assessment, feedback, and professional development are involved. The rules establish requirements for the size of the group to be served, the minimum amount of time to be spent, and an individual induction plan for each of the beginning teachers. The remaining provisions are typical for competitive grant programs, consisting of the application procedure, review criteria, and basis for allocation of funds.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding these rules shall be directed to:

Linda Jamali, Division Administrator
Division of Certification
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777

(217) 782-7702

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 65

NEW TEACHER INDUCTION AND MENTORING

SUBPART A: GENERAL PROVISIONS

Section

65.10 Purpose and Scope

EMERGENCY

65.20 Requirements of the Plan; Program Specifications

EMERGENCY

SUBPART B: BEGINNING TEACHER INDUCTION PILOT PROGRAM

Section

65.110 Purpose and Applicability

EMERGENCY

65.120 Eligible Applicants

EMERGENCY

65.130 Program Specifications

EMERGENCY

65.140 Application Procedure

EMERGENCY

65.150 Criteria for the Review of Initial Applications

EMERGENCY

65.160 Allocation of Funds

EMERGENCY

AUTHORITY: Implementing Article 21A of the School Code [105 ILCS 5/Art. 21A] and authorized by Section 21A-35 of the School Code [105 ILCS 5/21A-35].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 11783, effective June 26, 2006, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 65.10 Purpose and Scope

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EMERGENCY

This Subpart A establishes the fundamental requirements that shall apply to each program of induction for new teachers for which approval or grant funds pursuant to Article 21A of the School Code [105 ILCS 5/Art. 21A] are sought.

Section 65.20 Requirements of the Plan; Program Specifications
EMERGENCY

- a) When State funding is available for any initiative under Article 21A of the School Code, the State Superintendent of Education shall issue a Request for Proposals (RFP) (or, in the case of noncompetitive funding, other application materials) in order to solicit applications from eligible entities. As used in this Part, a "proposal" or "application" means relevant portions of a plan for an induction and mentoring program that meets the requirements of Section 21A-20 of the School Code [105 ILCS 5/21A-20], accompanied by the additional materials applicants will be required to submit, as described in the relevant Subpart of this Part.
- b) Each plan shall conform to the requirements of Section 21A-20 of the School Code. In order to demonstrate the alignment required by Section 21A-20(2) of the School Code, each plan shall discuss the relationship among the services and experiences that will be available to new teachers, the content-area standards applicable to their respective fields of certification or assignment (see 23 Ill. Adm. Code 26 and 27), the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24), and the employing entity's existing plans for school improvement and professional development.

SUBPART B: BEGINNING TEACHER INDUCTION PILOT PROGRAM**Section 65.110 Purpose and Applicability**
EMERGENCY

This Subpart B establishes the application procedure and criteria for selection by the State Board of Education of the applicants that will receive grant funds under the Beginning Teacher Induction Pilot Program as authorized by Section 21A-25 of the School Code [105 ILCS 5/21A-25]. The purposes of the Pilot Program shall be to provide support for programs of intensive support and mentoring for new teachers as specified in Section 65.130 of this Part and to gather information that will permit evaluation of the effects of these programs.

Section 65.120 Eligible Applicants
EMERGENCY

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Eligible applicants for grant funding under this Subpart B shall be the entities identified in Section 21A-5 of the School Code [105 ILCS 5/21A-5], as well as public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)] (see Section 2-3.109a of the School Code [105 ILCS 5/2-3.109a]). An eligible applicant may also be a partnership among multiple such entities or among one or more such entities and one or more institutions of higher education, professional associations, regional offices of education, or not-for-profit providers of educational services. No application shall be considered unless it includes a written statement by the authorized representative of the collective bargaining unit, if any, concurring with its submission.

**Section 65.130 Program Specifications
EMERGENCY**

- a) Each program supported with grant funds under this Subpart B shall incorporate:
 - 1) mentoring for new teachers that is provided by experienced teachers who have received training to equip them for this role;
 - 2) professional development for recipient teachers, mentors, and administrators who have roles in the program; and
 - 3) formative assessment of new teachers' practice with respect to the Illinois Professional Teaching Standards and the content-area standards relevant to their respective fields of assignment.
- b) Each program shall serve no fewer than 10 new teachers. Each program shall serve no more than 75 new teachers, unless a specific rationale is provided that demonstrates how each new teacher will receive comparable and adequate attention and support.
- c) Each new teacher shall, at the time he or she begins the program, be in his or her first year of teaching. Each shall hold an initial certificate, except that a provisional or alternative certificate that is not also titled an "initial" certificate shall be treated as an initial certificate if the holder will qualify for an initial certificate rather than a standard certificate upon completion of all applicable requirements.
- d) Each program shall be designed to ensure that each new teacher spends no less than 1.5 hours per week in contact with the mentor assigned, either one on one or

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in another configuration, including both classroom observation of the new teacher by the mentor and other interactions between these individuals.

- e) Each program shall provide for the development of an individual induction plan for each new teacher served and for the provision of professional development that is directly related to the needs identified in the individual plan.

**Section 65.140 Application Procedure
EMERGENCY**

For purposes of this Subpart, the terms "proposal" and "application" shall have the same meaning.

- a) When State funding is available for grants under this Subpart, the State Superintendent of Education shall issue a Request for Proposals (RFP) in order to solicit applications from eligible entities.
- b) The RFP shall describe the format that applicants will be required to follow and the information they will be required to submit, including a description of the proposed program, identification of the specific schools in which the pilot program will be conducted, and the number of new teachers and mentors involved.
- c) The RFP shall indicate the amount or expected amount of the appropriation for the program and shall describe the allowable expenditures and the basis for awarding grants. If matching funds or resources will be required of applicants, the RFP shall describe these requirements.
- d) The RFP shall include a budget summary and payment schedule as well as a narrative budget breakdown, i.e., a detailed explanation of each line item of expenditure.
- e) The RFP shall identify the data recipients will be required to collect and report regarding the activities conducted with grant funds and the results of those activities, as well as the timelines for reporting.
- f) The RFP shall include such certifications and assurances as the State Superintendent may require.
- g) The RFP shall specify the deadline for submission of proposals, which shall provide potential applicants with at least 30 days to respond.

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- h) Separate applications shall be required for renewal of grant funding. Each application for renewal shall include at least:
 - 1) a description of expenditures and activities during the year just concluded, demonstrating that the project has been implemented in conformance with the approved grant agreement and that the recipient continues to exhibit need for grant funds for this purpose; and
 - 2) an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown.
- i) Incomplete proposals shall not be considered.

**Section 65.150 Criteria for the Review of Initial Applications
EMERGENCY**

Applications for initial funding shall be evaluated in accordance with the criteria set forth in this Section. When considering substantially equal proposals, the State Superintendent of Education shall give preference to programs that will take place in hard-to-staff schools, i.e., Illinois public schools that rank in the upper third among public schools of their type (e.g., elementary, middle, secondary) in terms of the rate of attrition among teachers.

- a) Program Design (45 points)
 - 1) The proposal identifies specific practices and policies such as reduced course load for mentors, release time, and access to resources that will permit the participants in the program to devote the necessary time to induction and mentoring.
 - 2) The proposal describes plans for timely orientation of the new teachers to the induction program and for a formal network of the novice colleagues that will provide them with ongoing learning opportunities and support.
 - 3) The proposal clearly articulates methods for collecting evidence related to the new teachers' practice and describes how that information will be used in planning for professional development and other support for the new teachers.
 - 4) The proposal includes specific plans for incorporating issues of pedagogy, classroom management, and content knowledge into professional

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development for the new teachers and for ensuring alignment of this material with the Illinois Professional Teaching Standards, the participants' specific identified needs, and local instructional priorities.

- 5) The proposal presents coherent allocation and scheduling of the participants' time and is cost-effective in light of the level of resources requested and the number of new teachers to be served.
- b) Mentor Recruitment and Support (25 points)
- 1) The proposal describes a comprehensive strategy for recruiting experienced teachers who are suited to the role of mentors, including:
 - A) the involvement of parties with an interest in teacher quality and retention;
 - B) thorough outreach and communication regarding the availability of positions for mentors;
 - C) clear criteria for the skills and experience sought; and
 - D) consideration of multiple sources of information in identifying the candidates to be selected.
 - 2) The proposal provides for formal orientation of the mentors selected, for fundamental training of these individuals at the beginning of the program, and for professional development during the course of the program that is designed to strengthen their ability to employ mentoring tools, protocols, and formative assessment in response to the needs of beginning teachers.
 - 3) The proposal describes a systematic approach to establishing a "community of mentoring practice" that will enable the participating mentors to share experiences and strategies and support each other's work within the induction program.
- c) Evaluation Design (20 points)
- 1) The proposal identifies information to be collected and reported on the performance and retention of new teachers that will add to an understanding of the effects of more intensive induction programs as compared to the results of more typical models.

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- 2) The proposal suggests how the effects of particular initiatives or components of the program will be measured.
 - 3) The applicant proposes a method for tracking the continued service of the teachers served after the project ends so that longitudinal data can be compiled.
- d) Leadership and Direction (10 points)
- 1) The proposal demonstrates that the individuals who will direct or coordinate the induction program have experience in this endeavor or a commitment to it, as evidenced by their history of involvement or professional development.
 - 2) The management structure described is appropriate to the scope and complexity of the program, the specific responsibilities of the on-site administrator are evident, and the roles and contributions of collaborating entities, if any, are clearly delineated.
 - 3) The proposal includes strategies that will be used in providing oversight for the program to permit ongoing analysis of its effectiveness, necessary programmatic modifications, integration of various relevant professional development plans, and communication structures that respect the need for confidentiality when applicable.

Section 65.160 Allocation of Funds**EMERGENCY**

- a) The State Superintendent of Education shall approve initial applications for funding and make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative, the amounts necessary to fund the top-ranked proposals, and the need to distribute the benefits of innovative induction models on a statewide basis.
- b) It is the intention of the State Board of Education to approve funding for projects under this Part for a three-year period. Funding for the second and third years shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals that the projects have been implemented in accordance with the approved grant agreements and that the recipients continue to need additional State resources in order to implement their pilot programs.

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- c) An entity that has received three years' funding under this Subpart B may subsequently apply as a new applicant.

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- 1) Heading of the Part: Early Childhood Block Grant
- 2) Code Citation: 23 Ill. Adm. 235
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
235.10	Amendment
235.60	Amendment
235.70	Amendment
235.100	New Section
235.200	New Section
235.300	New Section
235.400	New Section
235.500	New Section
- 4) Statutory Authority: 105 ILCS 5/1C-2 and 105 ILCS 5/2-3.71
- 5) Effective Date of Amendments: June 26, 2006
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date Filed with the Index Department: June 26, 2006
- 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 General Assembly on May 4, 2006, passed SB 1497, as amended, which establishes the Preschool for All Children program and sets forth the prioritization requirements for funding for two years (i.e., school years 2006-07 and 2007-08). SB 1497 was sent to the Governor for signature on June 2, 2006. Although the Governor supported the legislation and is expected to sign the bill, the awarding of grants under these rules is contingent upon the bill being enacted.

The rules are being presented as emergency rules, since the public interest is best served by providing FY 2007 funding to qualifying programs as soon as possible but before the start of the 2006-2007 school year. Without emergency rules, the soonest the agency would be able to issue an RFP would be November. Allowing for a 45-day response time for applicants to submit proposals, it is unlikely that grants could be awarded before January 1, 2007.

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Early Childhood staff released a Request for Proposals (RFP) on May 26, 2006, and the requirements of the RFP are the same as those set forth in the emergency rules.

- 10) A Complete Description of the Subjects and Issues Involved: The goal of the Preschool for All Children program is to provide educational services to all 3- to 5-year-old children whose families choose to participate. The funding for the Preschool for All Children Program is part of the Early Childhood Block Grant program.

SB 1497 proposes amendments to Section 2-3.71 of the School Code to encourage participation in the Preschool for All Children program of any family who wishes to enroll its child and to provide authorization to the State Board of Education to make decisions about which programs are to be funded in accordance with the following criteria.

- First priority in awarding grants must be given to applicants that propose to serve primarily children who have been identified as being at risk of academic failure. At-risk children are those who, because of their home and community environment, are subject to such language, cultural, economic and like disadvantages that they have been determined, as a result of screening procedures, to be at risk of academic failure.
- Second priority in awarding grants must be given to applicants proposing to serve primarily children whose family's income is less than four times the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services (HHS) under the authority of 42 U.S.C. 9902(2). These limits reflect annual incomes that range from a low of \$52,800 for a family of two to a high of \$134,400 for a family of eight (with an additional \$13,600 for each family member exceeding eight).

Since the law does not define the term "primarily" nor set forth other criteria for the agency's making funding determinations, it is proposed that the rules governing the Early Childhood Block Grant (Part 235) be amended to add a new subpart specific to the Preschool for All Children program.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding these amendments shall be directed to:

Kay Henderson, Division Administrator

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Division of Early Childhood
Illinois State Board of Education
100 North First Street, E-225
Springfield, Illinois 62777-0001

(217) 524-4835

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 235

EARLY CHILDHOOD BLOCK GRANT

SUBPART A: PRESCHOOL EDUCATION AND PREVENTION INITIATIVE PROGRAMS

Section

235.10 Purpose; Eligible Applicants

EMERGENCY

235.20 Application Procedure and Content for New or Expanding Programs

235.30 Additional Program Components for Preschool Education Proposals

235.40 Additional Program Components for Prevention Initiative Proposals

235.50 Proposal Review and Approval for New or Expanding Programs

235.60 Application Content and Approval for Continuation Programs

EMERGENCY

235.70 Terms of the Grant

EMERGENCY

SUBPART B: PRESCHOOL FOR ALL CHILDREN PROGRAM

Section

235.100 Purpose; Eligible Applicants

EMERGENCY

235.200 Application Procedure and Content for New or Expanding Programs

EMERGENCY

235.300 Proposal Review and Approval for New or Expanding Programs

EMERGENCY

235.400 Application Content and Approval for Continuation Programs

EMERGENCY

235.500 Terms of the Grant

EMERGENCY

235.APPENDIX A Illinois Early Learning Standards

235.APPENDIX B Illinois Birth to Three Program Standards

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AUTHORITY: Authorized by Section 1C-2 of the School Code [105 ILCS 5/1C-2] and implementing Sections 2-3.71, 2-3.71a and 2-3.89 of the School Code [105 ILCS 5/2-3.71, 2-3.71a and 2-3.89].

SOURCE: Adopted at 16 Ill. Reg. 10181, effective June 10, 1992; expedited correction at 16 Ill. Reg. 15186, effective June 10, 1992; amended at 26 Ill. Reg. 903, effective January 15, 2002; old Part repealed and new Part adopted at 30 Ill. Reg. 4620, effective February 28, 2006; emergency amendment at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days.

SUBPART A: PRESCHOOL EDUCATION AND
PREVENTION INITIATIVE PROGRAMS

Section 235.10 Purpose; Eligible Applicants

EMERGENCY

- a) This ~~Subpart A~~ Part establishes the procedures and criteria for the approval of proposals submitted to the State Board of Education by eligible applicants for grants to assist in establishing early childhood education programs funded through the Early Childhood Block Grant authorized by Section 1C-2 of the School Code [105 ILCS 5/1C-2]. The Early Childhood Block Grant program shall include:
- 1) preschool education for at-risk children ages 3 years old to kindergarten enrollment age as defined in Section 10-20.12 of the School Code [105 ILCS 5/10-20.12], to include those programs and activities that meet the requirements of Section 2-3.71(a) of the School Code [105 ILCS 5/2-3.71(a)] and parental training activities as authorized under Section 2-3.71a of the School Code [105 ILCS 5/2-3.71a]; and
 - 2) prevention initiative for at-risk children from birth to age 3 and their families, to include those programs and activities that meet the requirements of Section 2-3.89 of the School Code [105 ILCS 5/2-3.89] and parental training activities as authorized under Section 2-3.71a of the School Code.
 - 3) For the purposes of this Part, "at risk" is defined as those children *who because of their home and community environment are subject to such language, cultural, economic and like disadvantages that they have been determined, as a result of screening procedures* (to be carried out in conformance with Section 235.20(c)(5)) *to be at risk of academic failure.* (Section 2-3.71(a)(4) of the School Code)

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- b) Eligible applicants for Early Childhood Block Grant programs include any public or private not-for-profit or for-profit entity with experience in providing educational, health, social and/or child development services to young children and their families. If the Early Childhood Block Grant program is operated in or by a child care center subject to the licensure requirements of the Illinois Department of Children and Family Services (DCFS), then that child care center must hold the appropriate licensure in accordance with rules promulgated by DCFS (see 89 Ill. Adm. Code 403 (Licensing Standards for Group Homes), 405 (Licensing Standards for Day Care Agencies), 406 (Licensing Standards for Day Care Homes), 407 (Licensing Standards for Day Care Centers) and 408 (Licensing Standards for Group Day Care Homes)).
- c) Joint applications for funds may be submitted by any combination of eligible applicants, as described in subsection (b) of this Section.
 - 1) If a joint application is submitted, then an administrative agent shall be designated.
 - 2) A school district or other eligible applicant shall only participate in one proposal for a specific program.
- d) Eligible applicants may subcontract with a private school, not-for-profit or for-profit corporation, or other governmental agency that would otherwise be eligible under subsection (b) of this Section to conduct an Early Childhood Block Grant program.
- e) Parental training programs funded under Section 2-3.71a of the School Code prior to July 1, 2006, are not subject to the requirements of this Part, but may be awarded continuation funding in accordance with the requirements of Section 235.60 of this Part.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days)

Section 235.60 Application Content and Approval for Continuation Programs**EMERGENCY**

The requirements of the Section shall apply to those applicants seeking funding to continue preschool education and prevention initiative programs beyond the initial grant period and for

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programs offering parental training services under Section 2-3.71a of the School Code that were first funded previous to school year 2006-07.

- a) In order to continue to operate an Early Childhood Block Grant Program, a grantee each year shall electronically submit an application for continuation. The application shall include at least the following:
 - 1) an overview of the program, addressing:
 - A) the program components outlined in Section 235.20 of this Part and either Section 235.30 or Section 235.40 of this Part, as applicable for preschool education or prevention initiative programs; or
 - B) the requirements of Section 2-3.71a of the School Code for parental training programs;
 - 2) budget information for the year in which the application is being made; and
 - 3) the certifications and assurances referred to in Section 235.20(c)(16) of this Part applicable to the renewal period.
- b) An Early Childhood Education Block Grant Program shall be approved for continuation provided that:
 - 1) a need continues to exist for the program, as evidenced by the number or proportion of children and families to be served;
 - 2) the program components proposed will be effective in assisting at-risk children and families;
 - 3) the proposed budget is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided; and
 - 4) in the year previous to the continuation application, the applicant complied with the terms and conditions of any grant it received pursuant to this Subpart A~~Part~~.

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(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days)

Section 235.70 Terms of the Grant**EMERGENCY**

- a) Expenditure reports must be filed electronically with the Division of Funding and Disbursements four times a year.
- b) Each grantee shall submit evaluation information on forms provided by the State Board of Education, specifying:
 - 1) descriptive statistics on the population served, eligibility, screening procedures and staff qualifications and training;
 - 2) descriptive information, including type and quality of the educational program, amount and extent of interagency collaboration, and parent education and involvement;
 - 3) the extent to which program objectives have been accomplished; and
 - 4) any similar program-related information that the State Superintendent of Education may request upon 30 days' written notice.
- c) An annual program review shall be conducted for each new project to ensure program quality, to assist in program improvement and to provide technical assistance.
- d) All equipment purchased by the grantee for the program with Early Childhood Block Grant funds must be documented on a form supplied by the State Board of Education and be maintained in the grantee's files.
- e) A time distribution worksheet shall be kept for any staff member in a part-time position.
- f) Grantees shall use funds provided under the Early Childhood Block Grant to supplement, not supplant, funds received from any other source. (Sections 2-3.71 and 2-3.89 of the School Code)
- g) Grant funds may not be used to provide religious instruction, conduct worship services, or engage in any form of proselytization.

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(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days)

SUBPART B: PRESCHOOL FOR ALL CHILDREN PROGRAM

Section 235.100 Purpose; Eligible Applicants
EMERGENCY

- a) This Subpart B establishes the procedures and criteria for the approval of proposals submitted to the State Board of Education by eligible applicants for grants to assist in establishing Preschool for All Children programs authorized by Section 2-3.71(a)(4.5) of the School Code [105 ILCS 5/2-3.71(a)(4.5)].
- b) Applicants eligible to apply for the Preschool for All Children program are those listed in Section 235.10(b) and (c) of this Part.
- c) This Subpart is repealed on the date of repeal as set forth in Section 2-3.71(a)(4.5) of the School Code.

(Source: Added by emergency rulemaking at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days)

Section 235.200 Application Procedure and Content for New or Expanding Programs
EMERGENCY

In addition to meeting the requirements set forth in Section 235.20 of this Part (with the exception of Section 235.20(c)(6) of this Part) and Section 235.30 of this Part, each application for funding for a Preschool for All Children program shall provide the following.

- a) Each applicant shall describe whether the program qualifies as a program serving primarily at-risk children or a program serving primarily children whose families meet the income guidelines set forth in Section 2-3.71(a)(4.5) of the School Code.
 - 1) A program serving "primarily at-risk children" is one that:
 - A) has 51 percent or more of the enrolled children identified as being at risk of academic failure (see Sections 235.10(a)(3) and 235.20(c)(5) of this Part),

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- B) gives priority for enrollment to academically at-risk students over those students who have not been identified as academically at risk, and
- C) has taken specific proactive measures to ensure that parents of children who may be at risk of academic failure are aware of the opportunity for preschool education through the Preschool for All Children program.
- 2) A program serving "primarily children whose families meet income guidelines" is one that has 51 percent or more of the enrolled children from families meeting the income guidelines and does not qualify under subsection (a)(1) of this Section as serving primarily academically at risk children.
- 3) Each applicant shall estimate the percentage of children to be enrolled who are considered to be at risk of academic failure or whose families meet income guidelines, as applicable.
- b) Program serving primarily at-risk children shall describe:
- 1) the process to ensure that if the program has a waiting list of children to be enrolled, that all children identified as being at risk of academic failure are enrolled before other children not identified as being at risk; and
- 2) the specific proactive measures the program has taken or will take to ensure that parents of children who may be at risk of academic failure are made aware of the opportunity to participate in the Preschool for All Children program.
- c) Each applicant shall describe the provisions to be made to allow for:
- 1) the participation of children with disabilities in the program, and
- 2) the continued participation of children of homeless families in the program in those instances where such children move outside the area served by the Preschool for All Children program.
- d) Each applicant shall describe the parent education and involvement component, which shall include activities in each of the following areas.

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- 1) Communication between home and the Preschool for All program that is regular, two-way and meaningful.
- 2) Parenting skills are promoted and supported.
- 3) Recognition that parents play an integral role in assisting student learning.
- 4) Parents are welcome in the program, and their support and involvement are sought.
- 5) Parents are full partners in the decisions that affect children and families.

(Source: Added by emergency rulemaking at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days)

Section 235.300 Proposal Review and Approval for New or Expanding Programs
EMERGENCY

In order to meet the funding priorities set forth in Section 2-3.71(a)(4.5) of the School Code, each proposal shall be reviewed using both quantitative and qualitative criteria.

- a) Proposals shall first be screened to identify those proposals that meet the criteria for each funding priority (see Section 235.200(a) of this Part). Proposals shall be separated into the following three categories:
 - 1) proposals serving primarily at-risk-children,
 - 2) proposals serving primarily children whose families meet income guidelines, and
 - 3) all other proposals.
- b) Within each of the three categories set forth in subsection (a) of this Section, the proposals shall be reviewed and scored using the qualitative criteria set forth in Section 235.50(a) of this Part to determine which proposals provide evidence of a "qualified program". "Qualified programs" shall be those scoring at least 60 out of 100 total points.

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- 1) All qualified programs within the category set forth in subsection (a)(1) of this Section shall be funded before funding any qualified programs in the categories set forth in subsection (a)(2) or (a)(3) of this Section.
- 2) All qualified programs within the category set forth in subsection (a)(2) of this Section shall be funded before funding any qualified programs in the category set forth in subsection (a)(3) of this Section.
- 3) Within each category, priority for funding will be given to substantially similar proposals that:
 - A) serve children from a community with limited preschool programs or few resources promoting preschool education, or
 - B) include a signed partnership agreement with the local Head Start program.
- c) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to school districts and communities with varying demographic characteristics.
- d) The State Superintendent of Education shall determine the amount of individual grant awards. The final award amounts shall be based upon:
 - 1) the total amount of funds available for the Preschool for All Children program; and
 - 2) the resources requested in the top-ranked proposals, as identified pursuant to subsections (b) and (c) of this Section.

(Source: Added by emergency rulemaking at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days)

Section 235.400 Application Content and Approval for Continuation Programs
EMERGENCY

The requirements of this Section shall apply to those applicants seeking funding to continue Preschool for All Children programs beyond the initial grant period.

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- a) In order to continue to operate a Preschool for All Children program, a grantee each year shall electronically submit an application for continuation. The application shall include at least the following:
- 1) an overview of the program, addressing the program components outlined in Sections 235.20 and 235.200 of this Part;
 - 2) budget information for the year in which the application is being made; and
 - 3) the certifications and assurances referred to in Section 235.20(c)(16) of this Part applicable to the renewal period.
- b) A Preschool for All Children program shall be approved for continuation provided that:
- 1) a need continues to exist for the program, as evidenced by the number or proportion of children and families to be served;
 - 2) the program components proposed will be effective in meeting the needs of children and families to be served by the program;
 - 3) the proposed budget is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided; and
 - 4) in the year previous to the continuation application, the applicant complied with the terms and conditions of any grant it received pursuant to this Subpart B.

(Source: Added by emergency rulemaking at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days)

Section 235.500 Terms of the Grant
EMERGENCY

In addition to meeting each of the requirements set forth in Section 235.70 of this Part, each grantee receiving funding for a Preschool for All Children program shall comply with the following terms and conditions of the grant.

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- a) Each grantee is required to collaborate with its local Head Start program. Children currently enrolled or pre-enrolled in Head Start shall not be counted as potential students for the Preschool for All Children program nor recruited to be in the Preschool for All Children program.
- b) Each grantee with a program funded to serve primarily at-risk children shall be required to:
 - 1) enroll 51 percent or more of children who have been identified as being at risk of academic failure,
 - 2) give priority in enrollment to children identified as being at risk of academic failure over those children who are not academically at risk, and
 - 3) take specific proactive measures to ensure that the parents of children who may be academically at risk are made aware of the availability of the opportunity for participation in the Preschool for All Children program.
- c) Any grantee that fails to enroll the required percentage of children (at least 51 percent) in the particular prioritization category for which the proposal was funded (i.e., at-risk status or income levels) shall have its grant award reduced proportionate to the decrease in percentage of such children enrolled.
- d) School district grantees with programs serving homeless children must comply with all applicable provisions of the McKinney-Vento Homeless Assistance Act. Non-school district grantees should, in so much as possible, ensure that homeless children enrolled in their programs receive the support necessary for successful and continued participation, including without limitation, arranging for appropriate transportation, when necessary in cases where such children move outside of the area served by the program during the grant period.
- e) Staff from the Illinois State Board of Education shall conduct an annual program review for each new project to ensure program quality, to assist in program improvement and to provide technical assistance.

(Source: Added by emergency rulemaking at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days)

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- 1) Heading of the Part: Technology Immersion Pilot Project
- 2) Code Citation: 23 Ill. Adm. 365
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
365.10	New Section
365.20	New Section
365.30	New Section
365.40	New Section
365.50	New Section
365.60	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.135
- 5) Effective Date of Rules: June 26, 2006
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date Filed with the Index Department: June 26, 2006
- 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) Reason for Emergency: These rules are being presented on an emergency basis because of the clear desirability of selecting the participating entities for this program as quickly as possible. Awaiting the conclusion of the regular rulemaking process would not permit the necessary professional development and procurement activities to occur until the middle of the school year, which we believe would be contrary to legislative intent.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking responds to a line item appropriation received by ISBE in the FY 07 budget under Section 2-3.135 of the School Code (Technology Immersion Pilot Project). This is a new initiative authorized under legislation enacted in 2004 to provide for the distribution of wireless laptop computers, associated hardware and software, and professional development. This is the first appropriation made under Section 2-3.135.

The statute provides for the selection of seven school districts as recipients of support under this program and for the selection of at least nine schools within those districts. One of the districts is to be located in the City of Chicago, with three of the others located in the balance of Cook County and the "collar" counties and the other three in the

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remainder of the state. The criteria for choosing among eligible entities are based upon the statute's directive to consider applicants' need for the pilot program, existing problems, and capacity.

The actual disbursement of grant funds to the chosen recipients is not foreseen. Rather, ISBE will be purchasing and distributing the laptop computers and other technological items to the recipients and entering into contracts as needed to ensure the appropriate maintenance and support. Similarly, uniform training for teachers and administrators will be identified and paid for by ISBE. It should be noted that these activities are subject to the Illinois Procurement Code and to ISBE's rules under that Code. They are therefore not discussed in these rules, which address only the competitive selection of recipients and their obligations under the program.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding these rules shall be directed to:

Dana Kinley, Division Administrator
Division of Curriculum and Instruction
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777

(217) 557-7323

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

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER j: TEXTBOOKS

PART 365

TECHNOLOGY IMMERSION PILOT PROJECT

Section

365.10 Purpose and Applicability

EMERGENCY

365.20 Eligible Applicants

EMERGENCY

365.30 Program Specifications

EMERGENCY

365.40 Application Procedure

EMERGENCY

365.50 Criteria for the Review of Initial Proposals

EMERGENCY

365.60 Allocation of Funds

EMERGENCY

AUTHORITY: Implementing and authorized by Section 2-3.135 of the School Code [105 ILCS 5/2-3.135].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 11807, effective June 26, 2006, for a maximum of 150 days.

Section 365.10 Purpose and Applicability**EMERGENCY**

This Part establishes the application procedure and criteria for selection by the State Board of Education of the entities that will receive grant funds under the technology immersion pilot program established pursuant to Section 2-3.135 of the School Code [105 ILCS 5/2-3.135]. This Part also establishes the requirements that will apply to the distribution and use of the laptop computers and other resources furnished as part of this program.

Section 365.20 Eligible Applicants**EMERGENCY**

- a) Eligible applicants shall be school districts in which either:

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- 1) one or more schools are in Academic Early Warning or Academic Watch status under Section 2-3.25d of the School Code [105 ILCS 5/2-3.25d]; or
 - 2) a significant percentage of the students served have identified needs that make the use of technological devices more necessary or effective in their education than is the case for the student population as a whole.
- b) For purposes of this Part, any public school operated by an agency of the State of Illinois shall be treated as a "school district".
 - c) Public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)] and charter schools shall be eligible to apply on the same basis as school districts; see 105 ILCS 5/2-3.109a and 27A-11.5, respectively.
 - d) Eligibility shall be limited to entities having State-approved technology integration plans.
 - e) An applicant chosen for funding shall not subsequently lose eligibility due solely to improvement in the status of the schools served relative to Section 2-3.25d of the School Code.

**Section 365.30 Program Specifications
EMERGENCY**

- a) Each project funded under this program shall be based on a plan developed by a technology immersion committee as provided in Section 2-3.135 of the School Code for the purpose of addressing one or more of the problems specified in that Section.
- b) Recipients under this program shall receive a major portion of the resources necessary to implement their approved plans by means of comprehensive, technology-based learning programs. Funding under this program will be used to:
 - 1) provide training for teachers and administrators in participating schools on the effective integration of personal laptop computers into a comprehensive, technology-based learning program;

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- 2) furnish personal laptop computers for all teachers and students in the classrooms designated for participation and for selected administrators in the schools where those classrooms are located;
 - 3) support the use of the laptop computers through the purchase of related hardware, software, and other technologies and through the provision of maintenance, repair, and warranty services relevant to those resources.
- c) Recipients under this program may be required to upgrade their electrical or other capacity or to make other in-kind contributions as a condition of participation.
 - d) Each recipient under this program shall be required to develop a policy providing for:
 - 1) students' safety when using the Internet; and
 - 2) students' use of, responsibility for, and return of equipment and materials loaned under this program.
 - e) Each recipient under this program shall provide State-furnished laptop computers to administrators only to the extent that these individuals have a demonstrable role in supporting the work of the teachers whose classrooms are served or in conducting or supporting efforts aimed at alleviating the problems identified in the recipient's plan.
 - f) Each recipient shall compile the information necessary for purposes of the annual progress report required by Section 2-3.135(f) of the School Code.

**Section 365.40 Application Procedure
EMERGENCY**

- a) When State funding is available for this program, the State Superintendent of Education shall issue a Request for Proposals (RFP) in order to solicit applications from eligible entities. As used in this Part, a "proposal" or "application" means an academic improvement plan developed in accordance with Section 2-3.135(e) of the School Code, accompanied by the additional materials applicants will be required to submit in response to the RFP, as described in this Section. For purposes of this Part an "academic improvement plan" means the plan of work for the specific project for which State funding is sought.

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- b) The RFP shall describe the format that applicants will be required to follow and the information they will be required to submit, including at least a description of the project and its intended outcomes, identification of the specific schools to be served, their building infrastructure, including technological and electrical capacity, the number of students involved, the grades and classrooms chosen, and the rationale for these choices.
- c) The RFP shall indicate the amount or expected amount of the appropriation for the program and shall describe the integrated group of resources to be provided to each recipient, the other types of expenditures that will be defrayed with program funds, and the basis for allocating resources. The RFP shall identify any restrictions or areas of high priority that have been established for a particular program year.
- d) The RFP shall identify the data that recipients will be required to collect and report regarding the activities conducted with program funds and the results of those activities, as well as the timelines for reporting.
- e) The RFP shall include such certifications and assurances as the State Superintendent may require.
- f) The RFP shall specify the deadline for submission of proposals, which shall provide potential applicants with at least 30 days to respond.
- g) Separate applications shall be required for renewal of grant funding. Each application for renewal shall include at least a description of activities during the year just concluded, demonstrating that the project has been implemented in conformance with the approved grant agreement and that the recipient continues to exhibit need for assistance for this purpose.
- h) Incomplete proposals shall not be considered.

**Section 365.50 Criteria for the Review of Initial Proposals
EMERGENCY**

- a) Initial applications shall be evaluated in accordance with the following criteria:
 - 1) Quality of the Plan (50 points)
 - A) The proposal identifies schools to be served that are experiencing teacher shortages in particular curricular areas, limited access to

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Advanced Placement courses, low performance on the State assessment administered pursuant to Section 2-3.64 of the School Code, or high rates of dropping out.

- B) The proposal indicates how the prevalence of personal laptop computers and other technological resources can be used to mitigate the problems identified.
 - C) The proposal discusses specific strategies that will be used by teachers and administrators, respectively, to improve the schools' and students' outcomes with respect to the specific problems noted.
 - D) The proposal demonstrates that the teachers and administrators responsible for the classrooms to be served are amenable to the kinds of changes in their work that will occur if a greater reliance on technology is made possible.
 - E) The proposal links the plan for the use of personal computing technology to other school improvement initiatives relevant to the schools to be served.
- 2) Need (30 points)
- A) The proposal demonstrates that the schools to be served currently have inadequate access to technological resources that can be used directly by students and teachers.
 - B) The proposal discusses other initiatives and strategies that have not been as effective as hoped in improving students' performance over time.
- 3) Evaluation Plan (20 points)
- The proposal identifies how and by whom each of the data elements implicit in the reporting requirement of Section 2-3.135(f) of the School Code will be collected and how each of the applicable comparisons will be made.
- b) Proposals shall be grouped according to the geographic areas delineated in Section 2-3.135(d) of the School Code, and each proposal shall be ranked only in comparison to proposals from other eligible entities within its respective group.

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**Section 365.60 Allocation of Funds
EMERGENCY**

- a) The State Superintendent of Education shall approve initial applications and make final determinations regarding the resources to be provided based upon the total funds appropriated for this initiative, the amounts necessary to fund the top-ranked proposals, and the need to distribute the benefits of integrated technology on a statewide basis.
- b) It is the intention of the State Board of Education to approve applications in such a way as *to serve at least 9 schools, with at least 3 from the school district located in the City of Chicago and at least one from each of the other school districts selected.* (Section 2-3.135(d) of the School Code)
- c) It is the intention of the State Board of Education to approve projects under this Part for a three-year period. Support in the second and third years shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals that the projects have been implemented in accordance with the approved grant agreements and that the recipients continue to need additional State resources in order to maintain comprehensive technology-based learning programs.
- d) A district that has received three years' support under this Part may subsequently apply as a new applicant.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Emergency Action:
148.126 Amendment
148.295 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: July 1, 2006
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date Filed with the Index Department: June 22, 2006
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments concerning hospital services are being filed pursuant to the enactment of the State's budget implementation plan for fiscal year 2007. These changes will provide funding under Safety Net Adjustment Payments (SNAP) and Critical Hospital Adjustment Payments (CHAP) to ensure access to quality health care for medical assistance clients. Section 5-45 of Public Act 94-838 specifically authorizes emergency rulemaking for the implementation of these changes for fiscal year 2007.
- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments concerning hospital services provide additional funding under SNAP and CHAP to ensure access to quality health care for medical assistance criteria. One of the SNAP criteria is eliminated making one hospital no longer eligible for SNAP funding. Annual spending is expected to increase by approximately \$12.1 million and \$8.6 million, for SNAP and CHAP respectively.
- 11) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.126	Amendment	30 Ill. Reg. 2681; 3/10/06
148.126	Amendment	30 Ill. Reg. 9399; 5/26/06

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148.295 Amendment 30 Ill. Reg. 9399; 5/26/06

12) Statement of Statewide Policy Objective: These emergency amendments neither create nor expand any State mandate affecting units of local government.

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

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

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	<u>EMERGENCY</u> Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements

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NOTICE OF EMERGENCY AMENDMENTS

- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- EMERGENCY
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services

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NOTICE OF EMERGENCY AMENDMENTS

	(Repealed)
148.390	Hearings
148.400	Special Hospital Reporting Requirements
148.402	Medicaid Eligibility Payments
148.404	Medicaid High Volume Adjustment Payments
148.406	Intensive Care Adjustment Payments
148.408	Trauma Center Adjustment Payments
148.410	Psychiatric Rate Adjustment Payments
148.412	Rehabilitation Adjustment Payments
148.414	Supplemental Tertiary Care Adjustment Payments
148.416	Crossover Percentage Adjustment Payments
148.418	Long Term Acute Care Hospital Adjustment Payments
148.420	Obstetrical Care Adjustment Payments
148.422	Outpatient Access Payments
148.424	Outpatient Utilization Payments
148.426	Outpatient Complexity of Care Adjustment Payments
148.428	Rehabilitation Hospital Adjustment Payments
148.430	Perinatal Outpatient Adjustment Payments
148.432	Supplemental Psychiatric Adjustment Payments
148.434	Outpatient Community Access Adjustment Payments

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section	
148.500	Definitions
148.510	Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section	
148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

148.TABLE A	Renal Participation Fee Worksheet
148.TABLE B	Bureau of Labor Statistics Equivalence
148.TABLE C	List of Metropolitan Counties by SMSA Definition

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective

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NOTICE OF EMERGENCY AMENDMENTS

September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill.

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Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.126 Safety Net Adjustment Payments**EMERGENCY**

- a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a) unless the hospital does not provide

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comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on or after July 1, 2006, but did provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006.

A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:

- 1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.
- 2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.
- 3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).
- 4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:
 - A) Has an MIUR greater than 33 percent.
 - B) Is designated a perinatal level two center by the Illinois Department of Public Health.
 - C) Has fewer than 125 licensed beds.
- 5) The hospital is a rural hospital, as described in Section 148.25(g)(3).
- 6) The hospital meets all of the following criteria:
 - A) Has an MIUR greater than 30 percent.
 - B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.
 - C) Provided greater than 15,000 total days in the safety net hospital base year.
- 7) The hospital meets all of the following criteria:

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- A) Does not already qualify under subsections (a)(1) through (a)(6) of this Section.
- B) Has an MIUR greater than 25 percent.
- C) Had an occupancy rate greater than 68 percent in the safety net hospital base year.
- D) Provided greater than 12,000 total days in the safety net hospital base year.

~~8)~~ ~~The hospital meets all of the following criteria:~~

- ~~A) Does not already qualify under subsections (a)(1) through (a)(7) of this Section.~~
- ~~B) Is located outside of HSA 6.~~
- ~~C) Has an MIUR greater than 16 percent.~~
- ~~D) Has more than 475 licensed beds.~~
- ~~E) Has an average length of stay less than five days.~~

~~8)9)~~ The hospital meets all of the following criteria in the safety net base year:

- A) Is a rural hospital, as described in Section 148.25(g)(3).
- B) Has an MIUR greater than 18 percent.
- C) Has a combined MIUR greater than 45 percent.
- D) Has licensed beds less than or equal to 60.
- E) Provided greater than 400 total days.
- F) Provided fewer than 125 obstetrical care days.

~~9)10)~~ The hospital meets all of the following criteria in the safety net base year:

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- A) Is a psychiatric hospital, as described in 89 Ill. Adm. Code 149.50(c)(1).
- B) Has licensed beds greater than 120.
- C) Has an average length of stay less than ten days.

10) The hospital meets all of the following criteria in the safety net base year:

- A) Does not already qualify under subsections (a)(1) through (a)(9) of this Section.
- B) Has an MIUR greater than 17 percent.
- C) Has licensed beds greater than 450.
- D) Has an average length stay less than four days.

11) The hospital meets all of the following criteria in the safety net base year:

- A) Does not already qualify under subsections (a)(1) through (a)(10) of this Section.
- B) Has an MIUR greater than 21 percent.
- C) Has licensed beds greater than 350.
- D) Has an average length of stay less than 3.15 days.

12) The hospital meets all of the following criteria in the safety net base year:

- A) Does not qualify under subsections (a)(1) through (a)(11) of this Section.
- B) Has an MIUR greater than 34 percent.
- C) Has licensed beds greater than 350.
- D) Is designated a perinatal level two center by the Illinois Department of Public Health.

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13) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(12) of this Section.

B) Has an MIUR greater than 35 percent.

C) Has an average length of stay less than four days.

14) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(13) of this Section.

B) Has a CMIUR greater than 25 percent.

C) Has an MIUR greater than 12 percent.

D) Is designated a perinatal level two center by the Illinois Department of Public Health.

E) Has licensed beds greater than 400.

F) Has an average length of stay less than 3.5 days.

b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4), ~~and~~ subsections (a)(6) through (a)(8), ~~and subsections (a)(10) through (a)(14)(9)~~ of this Section:

1) Hospitals located outside of Illinois.

2) County-owned hospitals, as described in Section 148.25(b)(1)(A).

3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).

4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).

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- 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).
- c) Safety Net Adjustment Rates
- 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
- A) A qualifying hospital – \$15.00.
- B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2) – \$20.00.
- C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3) – \$20.00.
- D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:
- i) Located within HSA 6 or HSA 7 – ~~\$296.00~~\$200.50.
- ii) Located outside HSA 6 or HSA 7 – \$35.00.
- E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
- i) Located within HSA 6 or HSA 7 – \$35.00.
- ii) Located outside HSA 6 or HSA 7 – \$15.00.
- F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
- i) Located within HSA 6 or HSA 7 – \$12.00.
- ii) Located outside HSA 6 or HSA 7 – \$5.00.
- G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory" – \$125.00.

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- H) A children's hospital that is a rural hospital – \$145.00.
- I) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital that is located in HSA 6 and that:
- i) Provides obstetrical care – \$10.00.
 - ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iv) Provided more than 5,000 obstetrical days during the safety net hospital base year – \$35.00.
 - v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days – \$5.00; less than 4.00 days – \$5.00; less than 3.75 days – \$5.00.
 - vi) Provides obstetrical care and has an MIUR greater than 65 percent – \$11.00.
 - vii) Has greater than 700 licensed beds – \$37.75.
- J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:
- i) Provides obstetrical care – \$70.00.
 - ii) Does not provide obstetrical care – \$30.00.
 - iii) Is a trauma center, recognized by the Illinois Department of Public Health (IDPH), as of July 1, 2005 – \$173.50~~\$84.00~~.

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- K) A qualifying hospital that provided greater than 35,000 total days in the safety net hospital base year – \$6.00.
 - L) A qualifying hospital with two or more graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory", with an average length of stay fewer than 4.00 days – \$48.00.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be \$123.00.
 - 3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
 - A) A qualifying hospital – \$40.00.
 - B) A hospital that has an average length of stay of fewer than 4.00 days, and:
 - i) More than 150 licensed beds – \$20.00.
 - ii) Fewer than 150 licensed beds – \$40.00.
 - C) A qualifying hospital with the lowest average length of stay – \$15.00.
 - D) A hospital that has a CMIUR greater than 65 per centum – \$35.00.
 - E) A hospital that has fewer than 25 total admissions in the safety net hospital base year – \$160.00.
 - 4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be \$55.00.
 - 5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:
 - A) The hospital that has the highest number of obstetrical care

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admissions – \$30,840.00.

B) The greater of:

i) The product of \$115.00 multiplied by the number of obstetrical care admissions.

ii) The product of \$11.50 multiplied by the number of general care admissions.

6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is \$53.00.

7) For a hospital qualifying under subsection (a)(7) of this Section, the rate is \$175.50~~\$117.00~~.

~~8) For a hospital qualifying under subsection (a)(8) of this Section, the rate is \$34.50.~~

~~8)9) For a hospital qualifying under subsection (a)(8)(9) of this Section, the rate is \$124.50.~~

~~9)10) For a hospital qualifying under subsection (a)(9)(10) of this Section, the rate is \$85.50.~~

10) For a hospital qualifying under subsection (a)(10) of this Section, the rate is \$13.75.

11) For a hospital qualifying under subsection (a)(11) of this Section, the rate is \$39.50.

12) For a hospital qualifying under subsection (a)(12) of this Section, the rate is \$120.25.

13) For a hospital qualifying under subsection (a)(13) of this Section, the rate is \$231.50.

14) For a hospital qualifying under subsection (a)(14) of this Section, the rate is \$172.00.

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- d) Payment to a Qualifying Hospital
- 1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
 - 2) For the safety net adjustment period occurring in State fiscal year 2006, total payments will equal the methodologies described in subsection (c) of this Section. For the period October 1, 2005 through June 30, 2006, payment will equal the State fiscal year 2006 amount less the amount the hospital received under the safety net adjustment period for the quarter ending September 30, 2005.
 - 3) For safety net adjustment periods occurring after State fiscal year 2006, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.
- e) Definitions
- 1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.
 - 2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(k)(6).
 - 3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (e)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).
 - 4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.

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- 5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
- 6) "MIUR", for a given hospital, has the meaning as defined in Section 148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.
- 7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.
- 8) "Obstetrical care days" means, for a given hospital, days of hospital inpatient service associated with the obstetrical care admissions described in subsection (e)(7) of this Section.
- 9) "Occupancy rate" means a fraction, the numerator of which is the hospital's total days, excluding long term care and substance abuse days, and the denominator of which is the hospital's total beds, excluding long term care and substance abuse beds, multiplied by 365 days. The data used for calculation of the hospital occupancy rate is as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
- 10) "Safety net hospital base year" means the 12-month period beginning on July 1, 1999, and ending on June 30, 2000.
- 11) "Safety net adjustment period" means, beginning July 1, 2002, the 12 month period beginning on July 1 of a year and ending on June 30 of the

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following year.

- 12) "Total admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.
- 13) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days)

Section 148.295 Critical Hospital Adjustment Payments (CHAP)**EMERGENCY**

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), unless otherwise noted in this Section, and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after July 1, 1998, in accordance with this Section.

- a) Trauma Center Adjustments (TCA)
The Department shall make a TCA to Illinois hospitals recognized, as of the first day of July in the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health (IDPH) in accordance with the provisions of subsections (a)(1) through (a)(3) of this Section.
 - 1) Level I Trauma Center Adjustment.
 - A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the

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Illinois Department of Public Health shall receive the Level I trauma center adjustment.

- B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:
- i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of \$21,365.00 per Medicaid trauma admission in the CHAP base period.
 - ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of \$14,165.00 per Medicaid trauma admission in the CHAP base period.
- 2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period.
- 3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:
- A) The hospital is located in a county with no Level I trauma center; and
 - B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an

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HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.

- b) **Rehabilitation Hospital Adjustment (RHA)**
Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:
- 1) **Treatment Component.** All hospitals defined in subsection (b) of this Section shall receive \$4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.
 - 2) **Facility Component.** All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:
 - A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$229,360.00 in the CHAP rate period.
 - B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$527,528.00 in the CHAP rate period.
 - 3) **Health Professional Shortage Area Adjustment Component.** Hospitals defined in subsection (b) of this Section that are located in an HPSA on July 1, 1999, shall receive \$276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.
- c) **Direct Hospital Adjustment (DHA) Criteria**
- 1) **Qualifying Criteria**
Hospitals may qualify for the DHA under this subsection (c) under the following categories unless the hospital does not provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on or after July 1, 2006, but did provide comprehensive emergency

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treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006:

- A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:
- i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999 and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;
 - ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999 and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or
 - iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.
- B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999 and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.
- C) Children's hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.
- D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsection (c)(1)(A), (B), or (C) of this Section.
- E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A), (B), (C) or (D) of this Section, all other hospitals located

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in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999 and provided more than 15,000 Total days.

- F) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999, and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.
 - G) Illinois teaching hospitals with 25 or more graduate medical education programs on July 1, 1999, that are affiliated with a Regional Alzheimer's Disease Assistance Center as designated by the Alzheimer's Disease Assistance Act [410 ILCS 405/4], that had an MIUR less than 25 percent on July 1, 1999 and provided 75 or more Alzheimer days for patients diagnosed as having the disease.
 - H) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(G) of this Section, all other hospitals that had an MIUR greater than 50 percent on July 1, 1999.
 - I) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(H) of this Section, all other hospitals that had an MIUR greater than 23 percent on July 1, 1999, had an average length of stay less than four days, provided more than 4,200 Total days and provided 100 or more Alzheimer days for patients diagnosed as having the disease.
- 2) DHA Rates
- A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:

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- i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive \$69.00 per day for hospitals that do not provide obstetrical care and \$105.00 per day for hospitals that do provide obstetrical care.
 - ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive \$105.00 per day for hospitals that do not provide obstetrical care and \$142.00 per day for hospitals that do provide obstetrical care.
 - iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive \$124.00 per day for hospitals that do not provide obstetrical care and \$160.00 per day for hospitals that do provide obstetrical care.
 - iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive \$142.00 per day for hospitals that do not provide obstetrical care and \$179.00 per day for hospitals that do provide obstetrical care.
- B) Hospitals qualifying under subsection (c)(1)(A) of this Section will also receive the following rates:
- i) County owned hospitals as defined in Section 148.25 with more than 30,000 Total days will have their rate increased by \$455.00 per day.
 - ii) Hospitals that are not county owned with more than 30,000 Total days will have their rate increased by \$330.00 per day.

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- iii) Hospitals with more than 80,000 Total days will have their rate increased by an additional \$423.00 per day.
- iv) Hospitals with more than 4,500 Obstetrical days will have their rate increased by \$101.00 per day.
- v) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional \$194.00 per day.
- vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by \$147.00 per day.
- vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by \$41.00 per day.
- viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate medical education programs as of July 1, 1999 will have their rate increased by \$227.00 per day.
- ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by ~~\$528.00~~\$182.25 per day.
- x) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by ~~\$320.50~~\$281.00 per day.
- xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by \$98.00 per day.
- xii) Hospitals with a Combined MIUR greater than 75 percent, that have more than 20,000 total days, have an average length of stay less than five days and have at least one graduate medical program will have their rate increased by \$148.00 per day.

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- C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:
- i) Qualifying hospitals will receive a rate of \$421.00 per day.
 - ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by \$369.00 per day.
- D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$28.00 per day.
 - ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by \$55.00 per day.
 - iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by \$573.00 per day.
 - iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by \$32.00 per day for hospitals that have fewer than 4,000 Total days; or \$246.00 per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or \$178.00 per day for hospitals that have more than 8,000 Total days.
 - v) Hospitals with more than 3,200 Total admissions will have their rate increased by \$328.00 per day.
- E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$41.00 per day.

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- ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional \$14.00 per day.
 - iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional ~~\$87.00~~ \$110.25 per day.
 - iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional \$41.00 per day.
- F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive \$188.00 per day.
- G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of \$55.00 per day.
- H) Hospitals that qualify under subsection (c)(1)(G) of this Section will receive the following rates:
- i) Hospitals with an MIUR greater than 19.75 percent will receive a rate of \$69.00 per day.
 - ii) Hospitals with an MIUR equal to or less than 19.75 percent will receive a rate of \$11.00 per day.
- I) Hospitals qualifying under subsection (c)(1)(H) of this Section will receive a rate of \$268.00 per day.
- J) Hospitals qualifying under subsection (c)(1)(I) of this Section will receive a rate of \$238.00 per day.
- K) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two. The payments calculated under this Section to hospitals that qualify under subsection (c)(1)(A)(iii) of this Section may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations. A portion of the payments calculated under this Section may be classified as disproportionate

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share adjustments for hospitals qualifying under subsection (c)(1)(A)(iii) of this Section.

- 3) DHA Payments
 - A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.
 - B) Payment rates will be multiplied by the Total days.
 - C) Total Payment Adjustments
 - i) For the CHAP rate period occurring in State fiscal year 2006, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period January 1, 2006, to June 30, 2006, payment will equal the State fiscal year 2006 amount less the amount the hospital received under DHA for the quarters ending September 30, 2006, and December 31, 2006.
 - ii) For CHAP rate periods occurring after State fiscal year 2006, total payments will equal the methodologies described in subsection (c)(2) of this Section.
- d) Rural Critical Hospital Adjustment Payments (RCHAP)

RCHAP shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions. The hospital qualifying under this subsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive \$367,179.00 per year. The Department shall also make an RCHAP to hospitals qualifying under this subsection at a rate that is the greater of:

 - 1) the product of \$1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
 - 2) the product of \$138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.
- e) Total CHAP Adjustments

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Each eligible hospital's critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.

- f) **Critical Hospital Adjustment Limitations**
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.
- g) **Critical Hospital Adjustment Payment Definitions**
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:
- 1) "Alzheimer days" means total paid days contained in the Department's paid claims database with a ICD-9-CM diagnosis code of 331.0 for dates of service occurring in State fiscal year 2001 and adjudicated through June 30, 2002.
 - 2) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995 CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996 CHAP rate period; etc.
 - 3) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
 - 4) "Combined MIUR" means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.
 - 5) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for

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normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

- 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.
- 7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.
- 8) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.
- 9) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.31, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through

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887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925 through 925.2, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.

- 10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.
- 11) "RCHAP general care admissions" means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.
- 12) "RCHAP obstetrical care admissions" means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.
- 13) "Total admissions" means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 14) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 15) "Total obstetrical days" means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

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(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days)

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- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Numbers: Emergency Action:
152.150 Amendment
152.200 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: July 1, 1006
- 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: No
- 7) Date Filed with the Index Department: June 22, 2006
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments revise the hospital outlier calculation methodology to control the growth of outlier spending consistent with cost savings reform outlined in the Fiscal Year 2007 budget. Section 5-45 of Public Act 838, the FY07 budget implementation plan, specifically authorizes emergency rulemaking for implementation of FY07 changes.
- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments provide changes concerning outlier adjustment payments for exceptionally costly stays provided by hospitals. Under these changes, which are applicable to hospitals reimbursed on a per diem basis and under the Diagnosis Related Grouping (DRG) Prospective Payment System (PPS), the hospital outlier calculation methodology is being revised to control the growth of anticipated future reimbursement for outlier adjustments and thereby control spending. A net reduction in current funding levels is not expected. This cost saving reform, which is a component of the FY07 budget, is expected to result in a savings to the Department of approximately \$15 million.
- 11) Are there any other amendments pending on this Part? Yes

Section Numbers
152.150

Proposed Action
Amendment

Illinois Register Citation
30 Ill. Reg. 9430; 5/26/06

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- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding this rulemaking shall be directed to:

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

217/557-7157

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152

HOSPITAL REIMBURSEMENT CHANGES

Section

152.100	Reimbursement Add-on Adjustments (Repealed)
152.150	Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
EMERGENCY	
152.200	Non-DRG Reimbursement Methodologies
EMERGENCY	
152.250	Appeals (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Sections 12-13 and 14-8 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and Sections 12-13 and 14-8].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712, effective November 27, 1996; emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16153, effective November 26, 1997; emergency amendment at 25 Ill. Reg. 218, effective January 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6966, effective May 28, 2001; emergency amendment at 25 Ill. Reg. 16122, effective December 3, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7309, effective April 29, 2002; emergency amendment at 29 Ill. Reg. 10299, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19997, effective November 23, 2005; emergency amendment at 30 Ill. Reg. 11847, effective July 1, 2006, for a maximum of 150 days.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)**[EMERGENCY](#)**

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes described in subsections (b) and (c) of this Section will be effective January 18, 1994.

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- b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).
- c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect hereafter.
- d) For hospital inpatient services rendered on or after July 1, 1995, the Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.
- e) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 149 (DRG PPS), the changes described in this subsection (e) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 149.105 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).
- f) Notwithstanding the provisions of 89 Ill. Adm. Code 149, payment for outlier cases pursuant to 89 Ill. Adm. Code 149.105 shall be determined by using the following factors that were in effect on June 30, 1995:
- 1) The marginal cost factor (see 89 Ill. Adm. Code 149.5(c)(4)),
 - 2) The Metropolitan Statistical Area (MSA) wage index (see 89 Ill. Adm. Code 148.120(b)),
 - 3) The Indirect Medical Education (IME) factor (see 89 Ill. Adm. Code

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148.260(a)(1)(B)(iv)),

- 4) The cost to charge ratio (see 89 Ill. Adm. Code 149.105(c)(3)), and
- 5) Outlier Threshold
 - A) For admissions on December 3, 2001 through June 30, 2005, the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c)(5)) multiplied by 1.22.
 - B) For admissions on or after July 1, 2005 [through June 30, 2006](#), the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c)(5)) multiplied by 1.40.
 - C) [For admissions on or after July 1, 2006, the cost outlier threshold \(see 89 Ill. Adm. Code 149.5\(c\)\(5\)\) multiplied by 1.47.](#)

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11847, effective July 1, 2006, for a maximum of 150 days)

Section 152.200 Non-DRG Reimbursement Methodologies**EMERGENCY**

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes described in subsection (b) of this Section will be effective January 18, 1994.
- b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175 and 148.290(a), (c) and (d), in effect on January 18, 1994, less the portion of such rates attributed by the Department to the cost of medical education, shall remain in effect hereafter.
- c) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 148, Hospital Services, and 89 Ill. Adm. Code 146, Subpart A, Ambulatory Surgical Treatment Centers, the changes described in this subsection (c) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services and ambulatory surgical treatment services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as

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described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 148.130 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).

- d) Notwithstanding the provisions of subsections (a), (b) and (c) of this Section, payment for outlier adjustments provided for exceptionally costly stays pursuant to 89 Ill. Adm. Code 148.130 shall be determined using the following factors:
- 1) For admissions on December 3, 2001 through June 30, 2005, a factor of 0.22 in place of the factor 0.25 described at 89 Ill. Adm. Code 148.130(b)(3)(D).
 - 2) For admissions on or after July 1, 2005 through June 30, 2006, a factor of 0.20 in place of the factor 0.22 as described in subsection (d)(1) of this Section.
 - 3) For admissions on or after July 1, 2006, a factor of 0.18 in place of the factor 0.20 as described in subsection (d)(1) of this Section.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11847, effective July 1, 2006, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.125 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: July 1, 2006
- 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: No
- 7) Date Filed with the Index Department: June 23, 2006
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The fiscal year 2007 budget implementation plan (Public Act 94-838) provides that facilities that are federally-defined Institutions for Mental Disease (IMD) shall receive a socio-development component rate equal to 6.6% of the nursing component rate in effect on January 1, 2006. This socio-development rate component, which will become a part of the facility's nursing component of the Medicaid rate, must be established and paid effective July 1, 2006. Public Act 94-838 also provides that the rate may be adjusted by the Department, but cannot be reduced.
- 10) Complete Description of the Subjects and Issues Involved: This emergency rulemaking provides that facilities that are federally-defined IMD shall receive a socio-development component rate equal to 6.6% of the nursing component rate that was in effect on 1/1/06. That new socio-development rate component shall then become a part of the facility's nursing component of the Medicaid rate. While this rate may be adjusted by the Department, it shall not be reduced.
- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
153.100	Amendment	30 Ill. Reg. 6257; 4/14/2006

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NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objective: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

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

217/557-7157

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

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NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153

LONG TERM CARE REIMBURSEMENT CHANGES

Section

153.100 Reimbursement for Long Term Care Services

153.125 Long Term Care Facility Rate Adjustments

EMERGENCY

153.150 Quality Assurance Review (Repealed)

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

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective

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November 24, 2004; emergency amendment at 29 Ill. Reg. 1026, effective January 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4740, effective March 18, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 6979, effective May 1, 2005; amended at 29 Ill. Reg. 12452, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 616, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified in response to the Joint Committee on Administrative Rules Objection at 30 Ill. Reg. 7817, effective April 7, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10417, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11853, effective July 1, 2006, for a maximum of 150 days.

Section 153.125 Long Term Care Facility Rate Adjustments**EMERGENCY**

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996 shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.
- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:
 - 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
 - 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
 - 3) an increase of \$10.02 per person, per month for developmental training rates.
- d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.
- e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR

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and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.

- f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001, shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000 updated for inflation to January 1, 2001.
- 1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current year is the year 2000.
 - 2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.
 - 3) For rates effective July 1, 2001, only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.
 - 4) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.
- g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).
- h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by

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DHS.

- i) Notwithstanding the provisions set forth in Section 153.100, daily rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.
- j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be reduced to the level of the rates in effect on April 10, 2002.
- k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.
- l) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2003, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3.59 percent.
- m) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on July 1, 2003 shall be increased by 4 percent.
- n) Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates effective July 1, 2004 shall be 3.0 percent greater than the rates in effect on June 30, 2004. The increase is contingent on approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68.
- o) Notwithstanding the provisions set forth in Section 153.100, the "Original Building Base Cost" for nursing facilities (SNF/ICF) which have been rented continuously from an unrelated party since prior to January 1, 1978, effective on July 1, 2004, shall be added to the capital rate calculation using the most recent cost reports on file with the Department no later than June 30, 2004. The "Original Building Base Cost" as defined in 89 Ill. Adm. Code 140.570 shall be calculated from the original lease information that is presently on file with the

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Department. This original lease information will be used to capitalize the oldest available lease payment from the unrelated party lease that has been in effect since prior to January 1, 1978, and continued to be in effect on December 31, 1999. Before the lease payment is capitalized, a 15 percent portion will be removed from the oldest available lease payment for movable equipment costs. After the lease payment is capitalized, a portion of the capitalized amount will be removed for land cost. The land cost portion is 4.88 percent. The remaining amount will be the facility's building cost. The construction/acquisition year for the building will be the date the pre-1978 lease began. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978.

- p) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on January 1, 2005 will be 3.0 percent more than the rates in effect on December 31, 2004.
- q) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates shall be increased by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report that was filed with the Department and used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations.
- r) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on January 1, 2006 for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3 percent.
- s) Notwithstanding the provisions set forth in Section 153.100, developmental training rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), effective on January 1, 2006 shall be increased by 3 percent.
- t) Notwithstanding the provisions set forth in Section 153.100, for facilities that are federally defined as Institutions for Mental Disease (see Section 145.30), a socio-development component rate equal to 6.6% of the nursing component rate as of January 1, 2006 shall be established and paid effective July 1, 2006. This rate

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shall become a part of the facility's nursing component of the Medicaid rate.
While this rate may be adjusted by the Department the rate shall not be reduced.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11853, effective July 1, 2006, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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a) Part (Heading and Code Citation): Standard Procurement (44 Ill. Adm. Code 1)1) Rulemaking:

- A) Description: This amendment will establish a point preference for companies that are owned and controlled by minorities, females and persons with disabilities when bidding on or acting as subcontractors on a state contract.
- B) Statutory Authority: 30 ILCS 575
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not yet scheduled
- E) Affect on small businesses, small municipalities or not for profit corporations: Businesses owned and controlled by minorities, females or persons with disabilities are predominantly small. This rule change will impact those small businesses.
- F) Agency contact person for information:

Gina Wilson
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793
- G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Business Enterprise Program: Contracting With Businesses Owned and Controlled by Minorities, Females and Persons With Disabilities (44 Ill. Adm. Code 10)1) Rulemaking:

- A) Description: Under the current rule, companies must certify status at least every two years. The amendment will allow for certification every three years in order to lessen the administrative burden on both the State and the companies.

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- B) Statutory Authority: 30 ILCS 575
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not yet scheduled
- E) Affect on small businesses, small municipalities or not for profit corporations: Businesses owned and controlled by minorities, females or persons with disabilities.
- F) Agency contact person for information:

Gina Wilson
720 Stratton Office Building
Springfield, Illinois 67706
217/785-1703

- G) Related rulemakings and other pertinent information:

c) Part (Heading and Code Citation): Merit & Fitness (80 Ill Adm. Code 302)

1) Rulemaking:

- A) Description: Amendments and a new rule implementing changes to the Personnel Code (20 ILCS 415/12f)
- B) Statutory Authority: 20 ILCS 415
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not yet scheduled.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Gina Wilson
720 Stratton Office Building

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2006 REGULATORY AGENDA

Springfield, Illinois 62706
217/785-1793

- G) Related rulemakings and other pertinent information: The agency anticipates another change to this par, but not related to this change.

2) Rulemaking:

- A) Description: Nonsubstantive numbering of one section is intended to improve its readability. Authority to approve entitlement to veterans' preference based on review of documentation is moved from head of employing agency to Director of CMS.
- B) Statutory Authority: 20 ILCS 415
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not yet scheduled.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Gina Wilson
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793

- G) Related rulemakings and other pertinent information:

d) Part (Heading and Code Citation): Condition of Employment (80 Ill. Adm. Code 303)

1) Rulemaking:

- A) Description: Revision of the rule addressing maternity/paternity leave to meet other federal & state statutory guidelines.
- B) Statutory Authority: 20 ILCS 425

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- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not yet scheduled.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Gina Wilson
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793

- G) Related rulemakings and other pertinent information:

e) Part (Heading and Code Citation): Teachers' Retirement Insurance Program (80 Ill. Adm. Code 2170)

1) Rulemaking:

- A) Description: Clarify procedures to be compliant with the Health Insurance Portability and Accountability Act (HIPAA).
- B) Statutory Authority: 5 ILCS 375
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Spring 2007
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Janice L. Bonneville
Bureau of Benefits
201 East Madison Street, Suite 3A
PO Box 19208

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Springfield, IL 62794-9208
217/785-8675

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): College Insurance Program (80 Ill. Adm. Code 2180)

1) Rulemaking:

A) Description: Clarify procedures to be compliant with the Health Insurance Portability and Accountability Act (HIPAA).

B) Statutory Authority: 5 ILCS 375

C) Scheduled meeting/hearing dates: Not Applicable

D) Date agency anticipates First Notice: Spring 2007

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

F) Agency contact person for information:

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

G) Related rulemakings and other pertinent information:

a) Parts (Headings and Code Citations): Public Information (35 Ill. Adm. Code 3100)

1) Rulemaking:

A) Description: 35 Ill. Adm. Code 3100 contains the Fund's public information rules. Among the information contained in Part 3100 is the Fund's mailing address. The mailing address has to be changed and the Council needs to amend Part 3100 to reflect the change.

B) Statutory Authority: Implementing and authorized by Section 4 of the Freedom of Information Act [5 ILCS 140/4]

C) Scheduled Meeting/Hearing Dates: Public hearings are not required to amend 35 Ill. Adm. Code 3100.

D) Date Agency Anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Summer of 2006.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: There should be no affect on small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

H. Patrick Eriksen, Administrator
Drycleaner Environmental Response Trust Fund
1000 Tower Lane, Suite 140, P. O. Box 7380
Bensenville, IL 60106

G) Related rulemakings and other pertinent information: No other presently anticipated proceedings would affect the text of Part 3100.

b) Parts (Headings and Code Citations): General Program (35 Ill. Adm. Code 1500.30 and 1500.40)

1) Rulemaking:

A) Description: 35 Ill. Adm. Code 1500.30 contains the Fund's general program rules related to annual licensing requirements. 35 Ill. Adm. Code 1500.40 contains the Fund's general program rules related to remedial program requirements. The Council will be proposing to make changes to the license fees and remedial program deductibles. The Council needs to amend Parts 1500.30 and 1500.40 to reflect the proposed changes.

- B) Statutory Authority: Implementing and authorized by Section 75 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/75]
- C) Scheduled Meeting/Hearing Dates: Public hearings are required to amend the licensing fees per 35 Ill. Adm. Code 1500.30 and to amend the remedial program deductibles per 35 Ill. Adm. Code 1500.40. The Council held four public hearings around the state in May 2006 on the proposed changes. Twenty four individuals commented at the public hearings and ten written comments were received.
- D) Date Agency Anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Summer of 2006.
- E) Affect on small businesses, small municipalities, or not-for-profit corporations: There will be an affect on small businesses as the majority of the licensed drycleaners would be defined as a small business. There should be no affect on small municipalities or not-for-profit corporations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

H. Patrick Eriksen, Administrator
Drycleaner Environmental Response Trust Fund
1000 Tower Lane, Suite 140, P. O. Box 7380
Bensenville, IL 60106
- G) Related rulemakings and other pertinent information: One other presently anticipated proceeding would affect the text of Part 1500.40. No other presently anticipated proceeding would affect the text of Part 1500.30.

2) Rulemaking:

- A) Description: 35 Ill. Adm. Code 1500.40 contains the Fund's general program rules related to remedial program requirements. The Council will be proposing to make changes to the remedial program prioritization process and will need to amend Part 1500.40 to reflect the proposed changes.
- B) Statutory Authority: Implementing and authorized by Section 25 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/25]

- C) Scheduled Meeting/Hearing Dates: Public hearings are not required to amend the prioritization rules per 35 Ill. Adm. Code 1500.40.
- D) Date Agency Anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Summer of 2006.
- E) Affect on small businesses, small municipalities, or not-for-profit corporations: There will be an affect on small businesses as the majority of remedial program participants subject to the prioritization rules would be defined as a small business. There should be no affect on small municipalities or not-for-profit corporations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- H. Patrick Eriksen, Administrator
Drycleaner Environmental Response Trust Fund
1000 Tower Lane, Suite 140, P. O. Box 7380
Bensenville, IL 60106
- G) Related rulemakings and other pertinent information: One other presently anticipated proceeding would affect the text of Part 1500.40.

STATE BOARD OF EDUCATION

JULY 2006 REGULATORY AGENDA

a) Part: Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1.

1) Rulemaking:

A) Description:

A new Section will be proposed to set forth the Annual Measurable Achievement Objectives that will apply to entities that serve students with limited English proficiency with funds provided under Title III of the No Child Left Behind Act.

B) Statutory Authority: 105 ILCS 5/ 2-3.6.

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: July 7, 2006.

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

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-5270

G) Related rulemakings and other pertinent information:

b) Part: Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1.

1) Rulemaking:

A) Description:

Various amendments to Part 1 will be needed in response to changes made in accountability-related provisions via P.A. 94-875.

STATE BOARD OF EDUCATION

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- B) Statutory Authority: 105 ILCS 5/ 2-3.6.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: October 13, 2006.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- | | |
|-------------------|-----------------------------------|
| <u>Name:</u> | Sally Vogl |
| | Agency Rules Coordinator |
| <u>Address:</u> | Illinois State Board of Education |
| | 100 North First Street |
| | Springfield, Illinois 62777 |
| <u>Telephone:</u> | (217) 782-5270 |
- G) Related rulemakings and other pertinent information:

c) Part: Certification; 23 Ill. Adm. Code 25.

1) Rulemaking:

A) Description:

Further amendments to Part 25 may be developed as a result of the ongoing review of ISBE's rules and in response to experience with the recent changes in the system of endorsements. Further, the rules for approval of programs that prepare educators may need to be updated in light of actions taken by the National Council for Accreditation of Teacher Education (NCATE).

- B) Statutory Authority: 105 ILCS 5/ 2-3.6, 14C-8, and Art. 21.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: November 10, 2006.

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JULY 2006 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- Name: Sally Vogl
Agency Rules Coordinator
- Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
- Telephone: (217) 782-5270
- G) Related rulemakings and other pertinent information:
- d) Part: New Teacher Induction and Mentoring ; 23 Ill. Adm. Code 65.
- 1) Rulemaking:
- A) Description:
- A new Part will be proposed to set forth requirements relevant to the grant programs funded under Article 21A of the School Code.
- B) Statutory Authority: 105 ILCS 5/21A-35
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: July 7, 2006.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- Name: Sally Vogl
Agency Rules Coordinator
- Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
- Telephone: (217) 782-5270

STATE BOARD OF EDUCATION

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- G) Related rulemakings and other pertinent information:
- e) Part: Summer Bridges Program; 23 Ill. Adm. Code 232.
- 1) Rulemaking:
- A) Description:
- A new Part will be proposed to set forth requirements relevant to the Summer Bridges program.
- B) Statutory Authority: 105 ILCS 5/2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: October 13, 2006.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- | | |
|-------------------|--|
| <u>Name:</u> | Sally Vogl |
| <u>Address:</u> | Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777 |
| <u>Telephone:</u> | (217) 782-5270 |
- G) Related rulemakings and other pertinent information:
- f) Part: Grants for Arts Education and Foreign Language Education; 23 Ill. Adm. Code 265.
- 1) Rulemaking:
- A) Description:

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A new Part will be proposed to set forth requirements relevant to the grant program funded under Section 2-3.65q of the School Code.

- B) Statutory Authority: 105 ILCS 5/2-3.65a and 2-3.6.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: July 7, 2006.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- | | |
|-------------------|--|
| <u>Name:</u> | Sally Vogl
Agency Rules Coordinator |
| <u>Address:</u> | Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777 |
| <u>Telephone:</u> | (217) 782-5270 |
- G) Related rulemakings and other pertinent information:

g) Part: Advanced Placement; 23 Ill. Adm. Code 270.

1) Rulemaking:

- A) Description:
- A new Part will be proposed to set forth requirements relative to grants in support of expanded access to Advanced Placement coursework.
- B) Statutory Authority: 105 ILCS 5/2-3.6.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: October 13, 2006.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

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F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-5270

G) Related rulemakings and other pertinent information:

h) Part: Technology Immersion Pilot Project; 23 Ill. Adm. Code 365.

1) Rulemaking:A) Description:

This set of rules will be amended to refine the evaluation process, ethics code, and financial reporting requirements based on the experience gained during the implementation of the relevant emergency rules in 2005.

B) Statutory Authority: 105 ILCS 5/2-3.135.

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: July 7, 2006.

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

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-5270

STATE BOARD OF EDUCATION

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- G) Related rulemakings and other pertinent information:

ENVIRONMENTAL PROTECTION AGENCY

JULY 2006 REGULATORY AGENDA

- a) Part (Headings and Code Citations): Procedures And Criteria For Reviewing Applications For Provisional Variances; 35 Ill. Adm. Code 180.
- 1) Rulemaking:
- A) Description: The proposal will amend 35 Ill. Adm. Code 180 to reflect the amendments to Sections 35(b), 36, and 37 of the Environmental Protection Act. Amendments to Sections 35(b), 36, and 37 of the Act give authority to the Agency to grant provisional variances rather than the Pollution Control Board. The proposed amendments may also update the Part and correct typographical errors.
- B) Statutory authority: Implementing and authorized by Sections 35(b) of the Environmental Protection Act [415 ILCS 5/35(b)].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Fall 2006
- E) Effect on small business, small municipalities, or not-for-profit corporation: Any small businesses, small municipalities, or not-for-profit corporations that file a petition for a provisional variance pursuant to Section 35(b) of the Act will be affected by the proposed amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Annet Godiksen
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Environmental Laboratory Certification Fee Rules; 35 Ill. Adm. Code 185.

ENVIRONMENTAL PROTECTION AGENCY

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- 1) Rulemaking:
 - A) Description: This rulemaking will set forth the procedures the Agency will use to determine environmental laboratory assessment under 17.8 of the Environmental Protection Act.
 - B) Statutory authority: Implementing and authorized by Section 17.8 of the Environmental Protection Act [415 ILCS 5/17.8].
 - C) Schedule meeting/hearing date: The Agency has not yet scheduled meetings or hearings on this proposal.
 - D) Date agency anticipates First Notice: Fall 2006
 - E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit corporation that requests certification for its laboratories.
 - F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544
 - G) Related rulemakings and other pertinent information: None.
- c) Part (Heading and Code Citation): Construction Permit Application Fees For Air Pollution Sources; 35 Ill. Adm. Code 250.
 - 1) Rulemaking:
 - A) Description: The proposed new rule will set forth the procedures the Agency will use to collect construction permit application fees for air pollution sources under 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].

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- C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006
- 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 set forth in this new rule.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Gina Roccaforte
Division of Legal Counsel
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 (Heading and Code Citation): Procedures For Collection Of Air Pollution Site Fees; 35 Ill. Adm. Code 251.
- 1) Rulemaking:
- A) Description: The proposed rule will modify the current rule to address recent amendments made to Section 9.6 of the Environmental Protection Act. In addition, the proposed rule will 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: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Spring 2006

ENVIRONMENTAL PROTECTION AGENCY

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- 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: Address written comments concerning the substance of the rulemaking as follows:
- Charles E. Matoesian
Division of Legal Counsel
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 (Heading and Code Citation): Procedures For Collection Of Asbestos Fees; 35 Ill. Adm. Code 269.
- 1) Rulemaking:
- A) Description: The proposed new rule will set forth the procedures the Agency will use to collect asbestos fees under Section 9.13 of the Environmental Protection Act.
- B) Statutory authority: Authorized by Section 9.13 of the Environmental Protection Act [415 ILCS 5/9.13].
- C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006
- 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

ENVIRONMENTAL PROTECTION AGENCY

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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: Address written comments concerning the substance of the rulemaking as follows:

Charles E. Matoesian
Division of Legal Counsel
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 (Heading and Code Citation): Clean Air Act Permit Program Procedures; 35 Ill. Adm. Code 270.

1) Rulemaking:

- A) Description: The proposed rule will modify the current rule to address recent amendments to the Clean Air Act Permit Program (CAAPP) fee schedule. In addition, the proposed rule will 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: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006
- 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.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

ENVIRONMENTAL PROTECTION AGENCY

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Charles Matoesian
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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G) Related rulemaking and other pertinent information: None

g) Part (Heading and Code Citation): Alternative Fuels Program; 35 Ill. Adm. Code 275.

1) Rulemaking:

- A) Description: The proposed amendments will expand the renewable fuels grants and rebate program to allow for a rebate for use of B20 (20% biodiesel). The proposed amendments will also update and clarify provisions in the rule.
- B) Statutory authority: Authorized by Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 120/30].
- C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that use or may potentially use B20 as fuel.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Charles E. Matoesian
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Illinois Environmental Protection Agency
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- G) Related Rulemaking and other pertinent information: None
- h) Part (Heading and Code Citation): Permit Fees for Installing or Extending Sewers; 35 Ill. Adm. Code 320.
- 1) Rulemaking:
- A) Description: This rulemaking will update the procedures the Agency uses to collect permit fees under Part 320 and the amounts of those fees in response to changes to Section 12.2 of the Environmental Protection Act [415 ILCS 5/12.2].
- B) Statutory authority: Implementing and authorized by Section 12.2 of the Environmental Protection Act [415 ILCS 5/12.2].
- C) Schedule meeting/hearing date: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Fall 2006
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality or not-for-profit corporation that is required to obtain a permit from the Agency pursuant to Section 12(b) of the Environmental Protection Act [415 ILCS 5/12(b)] may be impacted by this rulemaking.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Deborah J. Williams
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544
- G) Related rulemakings and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to update or add new Parts to address changes and

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additions made to the permit fees charged by the Agency's Bureau of Water.

- i) Part (Heading and Code Citation): Procedures For Issuing Loans From The Water Pollution Control Revolving Loan Fund; 35 Ill. Adm. Code 366.
- 1) Rulemaking:
- A) Description: The Agency will propose 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 5/19.8].
- C) Scheduled meeting/hearing date: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006
- 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:

ENVIRONMENTAL PROTECTION AGENCY

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Division of Legal Counsel
Illinois Environmental Protection Agency
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- G) Related rulemaking and other pertinent information: None.
- j) Part (Heading and Code Citation): Amendment to Procedure for the Certification of Operators of Wastewater Treatment Works; 35 Ill. Adm. Code 380.
- 1) Rulemaking:
- A) Description: Proposed amendments will modify the groupings of industrial wastewater treatment works and qualifications needed by Wastewater Operators.
- B) Statutory authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 and 5/27].
- C) Schedule meeting/hearing date: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Fall 2006
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations operating wastewater treatment works may be affected by the proposed amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
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- G) Related rulemakings and other pertinent information: None.
- k) Parts (Headings and Code Citations): Illinois Environmental Protection Agency Public Water Supplies, Technical Policy Statements; 35 Ill. Adm. Code 651 through 654.
- 1) Rulemaking:
- A) Description: The amendments to these Agency 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 Agency rules will also incorporate technical, financial, and managerial requirements for new public water supplies Public Water Supplies. 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 to require that new Public Water Supplies 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, as P.A. 90-0773.
- 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 Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006

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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:
- Stefanie Diers
Division of Legal 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 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.
- l) Part (Headings and Code Citations): Illinois Environmental Protection Agency 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 Agency has issued tax-exempt bonds to increase funding for the Public Water Supply Loan Program. The Agency will review Parts 662 and 663 to determine how these parts may be amended to accommodate future leveraging of the program.

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- 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 Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006
- 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: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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- G) Related rulemaking and other pertinent information: None

m) Part (Headings and Code Citations): Illinois Environmental Protection Agency 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 P.A. 93-0032, 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 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].

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- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006
- 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 Agency 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: Address written comments concerning the substance of the rulemaking as follows:
- Stefanie Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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- G) Related rulemaking and other pertinent information: None.
- n) Part (Heading and Code Citation): Annual Testing Fees for Analytical Services; 35 Ill. Adm. Code 691.
- 1) Rulemaking:
- A) Description: This rulemaking will update a citation in Section 691.102.
- B) Statutory authority: Implementing and authorized by Section 17.7 of the Environmental Protection Act [415 ILCS 5/17.7].
- C) Schedule meeting/hearing date: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Fall 2006
- E) Effect on small business, small municipalities or not-for-profit corporations: None.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stefanie Diers
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- G) Related rulemakings and other pertinent information: None.
- o) Part (Heading and Code Citation): Procedures for Operation of the Non-Hazardous Solid Waste Fee System; 35 Ill. Adm. Code 858.
- A) Description: The proposed amendments update Part 858 to include a reference to Section 22.44 of the Act. Part 858 currently contains rules governing the collection of fees under Section 22.15 of the Act. Section 22.15 and Section 22.44 are identical except for the amount of fee collected. Currently, the Section 22.44 fees are collected at the same time and in the same manner as the Section 22.15 fees, and are based on the same records of waste received or disposed.
- B) Statutory authority: Implementing and authorized by Section 22.44 of the Act [415 ILCS 5/22.44].
- C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006.
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that pay fees pursuant to Section 22.44 of the Act. However, minimal impact is anticipated because the Agency currently collects the 22.44 fees in the manner set forth in Part 858.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

ENVIRONMENTAL PROTECTION AGENCY

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Illinois Environmental Protection Agency
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217-782-5544

- G) Related Rulemaking and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to update and address changes to the rules regarding Agency permit fees.
- p) Part (Heading and Code Citation): Procedures for Operation of the Potentially Infectious Medical Waste Transporter Fee System; 35 Ill. Adm. Code 1450.
- A) Description: The proposed amendments remove the reference to a specific fee amount in Section 1450.300 and replace with a generic reference to the fee required by Section 56.6(a) of the Act to avoid updates whenever fee amounts change. Also, at Sections 1450.202 and 1450.301, the address for payment has been updated.
- B) Statutory authority: Implementing and authorized by Section 56.6 of the Act.
- C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006.
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that pay fees pursuant to Section 56.6 of the Act.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stephanie Flowers
Division of Legal Counsel
Illinois Environmental Protection Agency
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- G) Related Rulemaking and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to update and address changes to the rules regarding Agency permit fees.
- q) Part (Heading and Code Citation): Access to Public Records of the Illinois Environmental Protection Agency; 2 Ill. Adm. Code 1828.
- 1) Rulemaking:
- A) Description: The Agency is preparing a rulemaking to amend its access to public records regulations to reflect changes made to the Freedom of Information Act [5 ILCS 140] and to update Illinois EPA procedures in receiving and processing Freedom of Information Act requests.
- B) Statutory authority: Authorized by Section 3(g) of the Freedom of Information Act [5 ILCS 140/3(g)].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Fall 2006
- E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that engages in making a Freedom of Information Act request.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

ENVIRONMENTAL PROTECTION AGENCY

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- G) Related Rulemaking and other pertinent information: None
- r) Part (Heading and Code Citation): Procedures For Issuing Loans From The Water Pollution Control Program for Non-Point Pollution Control Projects; New Part.
- 1) Rulemaking:
- A) Description: This rulemaking will create procedures for eligible local government units, other governmental entities, non-governmental entities or any combination thereof, to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.
- B) Statutory authority: The proposed rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 5/19.8].
- C) Scheduled meeting/hearing date: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules will benefit these entities by creating procedures to enable these and other entities to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
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Illinois Environmental Protection Agency
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- G) Related rulemaking and other pertinent information: None.
- s) Part (Heading and Code Citation): Procedures for the Agency's expedited review of RCRA corrective action plans and reports; New Part.
- 1) Rulemaking:
- A) Description: The proposed new rule will set forth the procedures the Agency will use to perform an expedited review of RCRA corrective action plans and reports.
- B) Statutory authority: Authorized by Section 22.3a of the Environmental Protection Act [415 ILCS 5/22.3a].
- C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Fall 2006
- E) Effect on small business, small municipalities or not-for-profit corporations: None known.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Kim Geving
Division of Legal 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: None.
- t) Part (Heading and Code Citation): Permit Fees for National Pollutant Discharge Elimination System Permits and Domestic Sewage Sludge Generator or User Permits; New Part.
- 1) Rulemaking:

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- A) Description: This rulemaking will set forth the procedures the Agency will use to collect fees under 12.5 of the Environmental Protection Act [415 ILCS 5/12.5].
- B) Statutory authority: Implementing and authorized by Section 12.5 of the Environmental Protection Act [415 ILCS 5/12.5].
- C) Schedule meeting/hearing date: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Fall 2006
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit corporation that is required to obtain a National Pollutant Discharge Elimination System [NPDES] permit or sludge generator or user permit from the Agency may be impacted by this rulemaking.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Deborah J. Williams
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

- G) Related rulemakings and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to update or add new Parts to address changes and additions made to the permit fees charged by the Agency's Bureau of Water.

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a) Part (Headings and Code Citations):

ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS (2 Ill. Adm. Code 2175)

1) Rulemaking: Docket R04-09A) Description:

2 Ill. Adm. Code 2175 contains the Board's public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4]. The Board intends to update various items of information.

B) Statutory authority:

Implementing and authorized by Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4].

C) Scheduled meeting/hearing dates:

Public hearings are not required to amend 2 Ill. Adm. Code 2175. While the Board does not currently plan to schedule hearings in this rulemaking, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.

D) Date agency anticipates First Notice:

The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Summer of 2006.

E) Effect on small business, small municipalities, or not-for-profit corporation:

There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including

POLLUTION CONTROL BOARD

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to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-anticipated proceedings would affect the text of Part 2175.

b) Parts (Headings and Code Citations):

GENERAL RULES (35 Ill. Adm. Code 101)
REGULATORY AND INFORMATIONAL HEARINGS AND PROCEEDINGS (35 Ill. Adm. Code 102)
ENFORCEMENT (35 Ill. Adm. Code 103)
REGULATORY RELIEF MECHANISMS (35 Ill. Adm. Code 104)

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APPEALS OF FINAL DECISIONS OF STATE AGENCIES (35 Ill. Adm. Code 105)
PROCEEDINGS PURSUANT TO SPECIFIC RULES OR STATUTORY PROVISIONS
(35 Ill. Adm. Code 106)
PETITION TO REVIEW POLLUTION CONTROL FACILITY SITING DECISIONS
(35 Ill. Adm. Code 107)
ADMINISTRATIVE CITATIONS (35 Ill. Adm. Code 108)
TAX CERTIFICATIONS (35 Ill. Adm. Code 125)
IDENTIFICATION AND PROTECTION OF TRADE SECRETS AND OTHER NON-
DISCLOSABLE INFORMATION (35 Ill. Adm. Code 130)

1) Rulemaking: Docket R04-08A) Description:

The Board is preparing a rulemaking to amend its procedural regulations to allow for electronic filings in all Board proceedings through the Board's new "Clerk's Office On-Line" (COOL). The Board's new filing procedure will allow for electronic filings and payment of filing fees.

B) Statutory authority:

Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. Section 28 of the Act does not require public hearings concerning procedural rules. While the Board does not currently plan to schedule hearings in this rulemaking, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.

D) Date agency anticipates First Notice:

The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Summer or Fall of 2006

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E) Effect on small business, small municipalities, or not-for-profit corporation:

There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently anticipated proceedings would affect the text of Parts 101 through 130.

POLLUTION CONTROL BOARD

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c) Part (Heading and Code Citation):

Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R07-1A) Description:

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R07-1 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2006 through June 30, 2006. At this time, the Board is not aware of any federal amendments to the federal definition of VOM that occurred during this update period.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2006. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R07-1, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-1, if the earliest federal

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amendments in the applicable period were assumed to have occurred on the first day of the update period, on January 1, 2006, the due date for Board adoption would be January 1, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2006, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2007, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2006. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical

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compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-1, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-1, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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d) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE
CHICAGO AREA (35 Ill. Adm. Code 218)
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE
METRO EAST AREA (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board of Part 218 and Part 219 concerning motor vehicle refinishing. This involves amending the equipment requirements of the Parts to allow the use of paint applicator equipment that achieves the same or better transfer efficiency as the required High Volume Low Pressure (HVLP) equipment.

B) Statutory authority:

Implementing and authorized by Sections 9.8, 27, 28.2 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter of 2006. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.

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D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that are involved in motor vehicle refinishing. However, the Agency anticipates that the amendments will have no new substantive impact on any sources, since the amendments give greater flexibility to sources.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Charles Matoesian

POLLUTION CONTROL BOARD

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Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

e) Parts (Headings and Code Citations):

PERMITS AND GENERAL PROVISIONS (35 Ill. Adm. Code 201.146)
DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)
NITROGEN OXIDES EMISSIONS (35 Ill. Adm. Code 217, Subparts A and Q)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board to address Phase II of the United States Environmental Protection Agency's (USEPA's) nitrogen oxides (NO_x) State Implementation Plan (SIP) call. The (NO_x) SIP call required affected states, including Illinois, to regulate the NO_x emissions from large stationary internal combustion engines as required by the federal Clean Air Act (CAA). (69 *Fed. Reg.* 21604 (April 21, 2004)). This statewide proposal will also regulate NO_x emissions from smaller engines and turbines, as part of the State's obligation to meet NO_x reasonably available control technology requirements (RACT) for the new 8-hour ozone and PM_{2.5} National Ambient Air Quality Standard (NAAQS), reasonable further progress (RFP), and attainment demonstration requirements. In addition, the proposal will include conforming amendments for Part 201, concerning affected units that would be required to obtain operating permits and for Part 211, concerning applicable definitions.

B) Statutory authority:

Implementing and authorized by Sections 9.9, 10, 27 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/ 9.9, 10, 27 and 28.5].

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C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter of 2006. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that own or operate an affected engine or turbine could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

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G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

f) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)

NITROGEN OXIDES EMISSIONS (35 Ill. Adm. Code 217)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board to address part of the State's Clean Air Act obligations to meet nitrogen oxides (NO_x) reasonably available control technology requirements (RACT), reasonable further progress (RFP), and attainment demonstration requirements for the new 8-hour ozone and PM_{2.5} nonattainment areas. Illinois has two 8-hour ozone and PM_{2.5} nonattainment areas, greater Chicago and Metro-East/St. Louis. NO_x is one of the precursors to the formation of both ozone and PM_{2.5}. Control of NO_x emissions from the following types of units may be included in the proposal: ICI boilers less than 250 mmBtu, electric generating less than 25 megawatts, cement kilns, lime kilns, glass melting furnaces, iron and steel plants, and aluminum melting furnaces. In addition, the proposal includes conforming amendments for Part 211, concerning applicable definitions. The requirements are anticipated to apply statewide.

B) Statutory authority:

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Implementing and authorized by Sections 10, 27 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 27 and 28.5].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter of 2006. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that owns or operates an affected emission unit could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East

POLLUTION CONTROL BOARD

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P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

g) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)
SULFUR LIMITATIONS (35 Ill. Adm. Code 214)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board to address the State's obligation to meet the Clean Air Act's requirements for fine particulate matter (PM_{2.5}), specifically the requirement for Reasonable Available Control Technology (RACT). Section 172 of the CAA requires that States with nonattainment areas control major sources with emissions of 100 tons or more per year of the applicable criteria pollutant or its precursor. Illinois has two PM_{2.5} nonattainment areas, greater Chicago and Metro-East/St. Louis. Sulfur dioxide (SO₂) is one of the precursors to the formation of PM_{2.5}. Major sources of SO₂ emissions are primarily fuel combustion sources. In addition, the proposal will include conforming amendments for Part 211, concerning applicable definitions.

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B) Statutory authority:

Implementing and authorized by Sections 10, 27 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 27 and 28.5].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter of 2006. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that own or operate a BART eligible source could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East

POLLUTION CONTROL BOARD

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P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: John Kim
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

h) Parts (Headings and Code Citations):

EMISSIONS REDUCTION MARKET SYSTEM (35 Ill. Adm. Code 205)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposed rule will require the sources participating in the Emissions Reduction Market System to further reduce VOM emissions. The reduction in VOM emissions is needed to address Rate of Further Progress and the attainment demonstration needs.

B) Statutory authority:

Implementing and authorized by Sections 9.8, 27, 28.2 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2].

C) Scheduled meeting/hearing dates:

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The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter of 2006. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that are subject to the Emissions Reduction Market System would be subject to the modified provisions.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

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G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Gina Roccaforte
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

i) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will set forth state-wide regulations pertaining to volatile organic compounds (VOC) from consumer and commercial products. The proposal will establish VOC content limits for the various product categories.

B) Statutory authority:

Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

C) Scheduled meeting/hearing dates:

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The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2006. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This proposal may affect any small business, small municipality or not-for-profit corporation that produces the various categories of consumer and commercial products.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

POLLUTION CONTROL BOARD

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G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Charles Matoesian
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

j) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will set forth state-wide regulations pertaining to emission of volatile organic compounds (VOC) from architectural and industrial maintenance coating operations. The proposal will establish VOC content limits for the specific architectural and industrial maintenance coatings.

B) Statutory authority:

Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

C) Scheduled meeting/hearing dates:

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The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2006. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This proposal may affect any small business, small municipality or not-for-profit corporation that operates or manufacturers architectural and industrial maintenance coatings.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

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G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Gina Roccaforte
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

k) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)

REGIONAL HAZE (35 Ill. Adm. Code 226)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. This proposal would address the State's obligation to meet the requirements of the Clean Air Act (CAA) for Regional Haze, specifically the requirement for Best Available Regional Haze (BART). Section 169A of the CAA requires that each major source in existence in 1977, but not in operation before 1962, that may reasonably anticipated to cause or contribute to any impairment of visibility in any Class I area shall procure, install, and operate BART. Major sources are defined as ones that have the potential to emit 250 tons per year or more of a visibility impairing pollutant in one of 26 specified categories, including but not limited to petroleum refineries, lime plants, steel mills, and fossil-fuel fired steam electric plants greater than 250 mmBtu. USEPA has identified sulfur dioxide, NO_x, and primary particulate matter (PM) as visibility impairing pollutants. This rule will affect BART applicable emission units statewide.

B) Statutory authority:

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Implementing and authorized by Sections 10 and 27 of the Act [415 ILCS 5/10 and 5/27].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter of 2006. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that owns or operates an affected emission unit could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274

POLLUTION CONTROL BOARD

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Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

l) Parts (Headings and Code Citations):

Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)

1) Rulemaking: Docket R06-22A) Description:

On January 19, 2006, the Board received a rulemaking proposal submitted by the Illinois Environmental Protection Agency (Agency) pursuant to Section 27 and 28 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/27 and 28 (2004)). Included in this proposal are amendments to the regulations governing Nitrogen Oxide (NOx) emissions found at 35 Ill. Adm. Code Part 217, Subparts A, T, U, and W.

The amendments propose to update Part 217 to reflect recent amendments made by the United States Environmental Protection Agency (USEPA) to the Code of Federal Regulations concerning several test methods and procedures, and by the Illinois General Assembly to Section 9.9 of the Act concerning the sale of NOx allowances and the repeal of the stay provisions. The Agency proposes amendments intended to ensure that the NOx budgets for both the Electrical Generating Units (EGU) and the non-EGUs are not reduced by low-emitters in a way that was not anticipated at

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the time the rules were originally adopted by the Board. Finally, the Agency proposes clarifications to the dates and timing of allocations designed to simplify the administration of the NO_x Trading Program. The Agency asserts that this proposal does not change the emission limits or require new control devices on affected sources.

B) Statutory authority:
Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5].

C) Scheduled meeting/hearing dates:

The Board is currently scheduling hearings in this rulemaking.

D) Date agency anticipates First Notice:

The Board anticipates adopting a first notice opinion and order in this rulemaking in the Fall or Winter of 2006.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This rule change may affect any small business, small municipality, or not-for-profit corporation subject to the Board's Nitrogen Oxide (NO_x) emission rules.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274

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Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:
For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- m) Part (Headings and Code Citations):

SOLVENT CLEANING (35 Ill. Adm. Code 218 and 219)

- 1) Rulemaking: Docket R06-21

- A) Description:

On December 22, 2005, the Board received a rulemaking proposal submitted by the Illinois Environmental Protection Agency (Agency) pursuant to Sections 27 and 28 of the Illinois Environmental Protection Act (Act). 415 ILCS 5/27, 28 (2004). The Agency proposes amendments to Parts 218 and 219 of the volatile organic material (VOM) rules to allow for the use of add-on controls as a compliance option for printing operations using cold cleaning solvent degreasing. The Agency is proposing to revise the cold cleaning degreaser rules in the Chicago and Metro-East nonattainment areas by making parallel changes to 35 Ill. Adm. Code 218.182(c) and (d) and 219.182(c) and (d). The rulemaking proposes revisions to allow for the sale or purchase of solvents with vapor pressure greater than 1.0mmHg in units greater than five gallons to or by sources that have valid permits, are in compliance with the add-on control requirements, or are exempt. The rulemaking also proposes control requirements to allow for the option of add-on controls. Subsections are being created that will require sources using solvents with vapor pressures

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greater than 1.0mmHg to control their emissions to an overall capture and control efficiency of no less than 95%.

The Agency proposal contains provisions that allow for equivalent alternative emissions plans stipulating that emissions from a solvent with a vapor pressure of 1.0 mmHg shall be the basis for assessment of equivalent emissions for any proposed control plan and that the equivalent alternative control plans must have at least 95% reduction in VOM emissions. Provisions have also been added mandating the testing of add-on controls. Currently operating add-on controls must be tested by March 1, 2006, and newly constructed add-on controls shall be tested within 90 days after startup. The testing procedures, monitoring, and recordkeeping provisions for add-on controls and equivalent alternative control plans will be consistent with the provisions in Section 218.105 and Section 219.105, which require that the control devices be operated and maintained at the manufacturer's specifications and continuously monitored to assure that they are operating at the required compliance levels. All records must be kept for a minimum of three years.

B) Statutory authority:

Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting /hearing date:

The Board held two hearings in this rulemaking. The first hearing was held on April 19, 2006, in Chicago and the second hearing was held on May 17, 2006, in Edwardsville. At this time, the Board does not anticipate holding additional hearings in this rulemaking.

D) Date agency anticipates First Notice:

The Board anticipates adopting a first notice opinion and order in this rulemaking in the Fall or Winter of 2006.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

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This rule change may affect any small business, small municipality, or not-for-profit corporation subject to the Board's Cold Cleaning Degreaser rules.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Annet Godiksen
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

n) Parts (Headings and Code Citations):

CONTROL OF EMISSIONS FROM LARGE COMBUSTION SOURCES (35 Ill. Adm. Code 225)

POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

1) Rulemaking: Docket R06-26A) Description:

This rulemaking was proposed to the Board by the Illinois Environmental Protection Agency (Agency) on May 30, 2006. The Agency proposes a new Part 225 to reduce intrastate and interstate transport of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions from fossil fuel-fired electric generating units (affected units), on an annual basis and on an ozone season basis of each calendar year. The Agency proposes the adoption of the Clean Air Interstate Rule (CAIR) SO₂ trading program, the CAIR NO_x Annual trading program and the CAIR NO_x Ozone Season trading program to accomplish this objective.

The proposed rule contains five subparts. As proposed, Subpart A includes general provisions, Subpart B is reserved-although this Subpart is included in the R06-25 rulemaking, Subpart C contains the CAIR SO₂ trading program, Subpart D details the CAIR NO_x Annual trading program, and Subpart E addresses the CAIR NO_x Ozone Season trading program.

The Agency asserts that its proposal is intended to satisfy Illinois' obligations under the United States Environmental Protection Agency's (USEPA) Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to Acid Rain Program; Revisions to the NO_x SIP Call, (CAIR), 70 *Fed. Reg.* 25162 (May 12, 2005). The proposal is also intended to the Agency's obligation to meet Clean Air Act (CAA) requirements for the control of fine particulate matter (PM_{2.5}) and ozone in the Chicago and Metro East/St. Louis nonattainment areas.

B) Statutory authority:

Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates:

The Board is in the process of scheduling hearings in this rulemaking.

POLLUTION CONTROL BOARD

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D) Date agency anticipates First Notice:

The Board anticipates adopting a first notice opinion and order in this rulemaking in the Fall or Winter of 2006.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that owns or operates an affected emission unit could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276

POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

Springfield, Illinois 62794-9276

Part 225 is also involved in a rulemaking currently at first notice, Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25). (see 30 Ill. Reg. 9281, May 19, 2006 and 30 Ill. Reg. 10193, June 2, 2006).

o) Part (Heading and Code Citation):

AIR QUALITY STANDARDS (35 Ill. Adm. Code 243)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. This rulemaking will make amendments to address the new PM 2.5 standard and incorporate the new 8-hour ozone standard.

B) Statutory authority:

Implementing Sections 9 and 10 of the Environmental Protection Act [415 ILCS 5/9, 10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]

C) Scheduled meeting /hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

POLLUTION CONTROL BOARD

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E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule will not directly affect any small business, small municipality, or not-for-profit corporation.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite
11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conley@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Agency's development of this proposal, please contact:

Name: Charles Matoesian
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 782-5544
Internet: epa8855@epa.state.il.us

POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

p) Part (Heading and Code Citation):

WATER QUALITY STANDARDS (35 Ill. Adm. Code 302)

1) Rulemaking: Docket R04-25A) Description:

This rulemaking was proposed to the Board on April 19, 2004 by the Illinois Association of Wastewater Agencies (IAWA). IAWA seeks to amend the Board's rule establishing general use water quality standards for dissolved oxygen (35 Ill. Adm. Code 302.206). Under the existing Board water quality standard, dissolved oxygen must not be less than 6.0 milligrams per liter (mg/L) during at least 16 hours of any 24 hour period, nor less than 5.0 mg/L at any time. IAWA seeks to amend these standards by explicitly providing that dissolved oxygen be determined on a monthly basis and specifying that (a) during the months of July through February, dissolved oxygen must not be less than a one-day minimum concentration of 3.5 mg/L, and a seven-day mean minimum of 4.0 mg/L, and (b) during the months of March through June, dissolved oxygen must not be less than a one-day minimum concentration of 5.0 mg/L, and a seven-day mean of 6.0 mg/L. IAWA also proposed definitions of "mean minimum" and "mean."

B) Statutory authority:

Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b), and 27]

C) Scheduled meeting /hearing date:

The Board has held hearings in this rulemaking on June 29, 2004, August 12, 2004, August 25, 2005, and April 25, 2006. The Board expects to schedule an additional hearing in this rulemaking in Fall 2006.

D) Date agency anticipates First Notice:

POLLUTION CONTROL BOARD

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The Board anticipates that it may adopt a first notice opinion and order in this rulemaking in the Fall or Winter of 2006.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges particular contaminants into waters of the State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite
11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

The Agency is in the process of developing another proposal that would impact Part 302 (see item below).

q) Part (Heading and Code Citation):

WATER QUALITY STANDARDS (35 Ill. Adm. Code 302)

1) Rulemaking: No docket presently reserved.

POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently preparing a rulemaking proposal for filing before the Board relating to the water quality standards for total dissolved solids, sulfate and chloride. These amendments would revise and add numeric water quality standards for the protection of aquatic life. The Agency will use the amended water quality standards in ensuring compliance with the Clean Water Act requirements at 33 U.S.C. §1313 when issuing National Pollutant Discharge Elimination System permits pursuant to 415 ILCS 5/39(b) and water quality certifications required by 33 U.S.C. §1341.

B) Statutory authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting /hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges particular contaminants into waters of the State.

F) Agency contact person for information:

POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite
11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Agency's development of this proposal, please contact:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il. 62794-9276
217-782-1654

r) Part (Heading and Code Citation):

WATER USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY
STANDARDS (35 Ill. Adm. Code 303)

POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. 35 Ill. Adm. Code 303 contains the Board's water use designations for all bodies of water in the State of Illinois with use designations other than general use. The Agency has established a workgroup to conduct a Use Attainability Analysis, pursuant to 40 C.F.R. §131.10, of the portions of the lower Des Plaines River that are currently classified as secondary contact and indigenous aquatic life waters pursuant to 35 Ill. Adm. Code 303.441. In addition, the Agency is preparing a rulemaking proposal for filing before the Board will recommend updating and/or upgrading the use designation of the lower Des Plaines River from its confluence with the Sanitary and Ship Canal to the Interstate 55 bridge.

B) Statutory authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting /hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

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This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the lower Des Plaines River.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address concerning this regulatory agenda to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Agency's development of this proposal, please contact:

Deborah J. Williams
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il. 62794-9276
217-782-5544

s) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

1) Rulemaking: Docket number R07-7A) Description:

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved docket number R07-7 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2006 through June 30, 2006. At this time, the Board is not aware of any federal amendments to the federal definition of VOM that occurred during this update period.

The Board will verify the existence of any federal actions that may affect the text of the federal wastewater pretreatment regulations and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2006. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R07-7, as necessary and appropriate.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-7, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on January 1, 2006, the due date for Board adoption would be January 1, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].

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C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2006, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2006. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois wastewater pretreatment rules is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-7, to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

Address questions concerning this regulatory agenda, noting docket number R07-7, to:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

t) Part (Heading and Code Citation):

STANDARDS FOR SLUDGE MANAGEMENT (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge applied to land.

B) Statutory authority:

Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]

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JULY 2006 REGULATORY AGENDA

C) Schedule meeting/hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal during the Fall or Winter of 2006. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

POLLUTION CONTROL BOARD

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G) Related rulemakings and other pertinent information:

No other presently known Board proceedings would potentially impact the general provisions of Part 313.

The Agency has stated that it anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Name: Stefanie Diers
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Interested persons may also contact the following Agency representative about its prospective rulemaking proposal:

Name: Alan Keller, P.E.
Manager, Northern Municipal Unit
Address: Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-0810

u) Parts (Heading and Code Citation):

AGRICULTURE RELATED WATER POLLUTION (35 Ill. Adm. Code Subtitle E)

POLLUTION CONTROL BOARD

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1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) will prepare a rulemaking proposal for filing before the Board relating to the United States Environmental Protection Agency's Environmental Protection Concentrated Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were adopted on December 15, 2002. The Agency anticipates a review of Subtitle E and a proposal to ensure that it remains consistent with the federal regulations and case law reviewing these regulations. See, Waterkeeper Alliance et al. v. USEPA, 399 F.3d 486 (2d Cir. 2005).

B) Statutory Authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An Agency submittal of the rulemaking proposal is anticipated by Fall or Winter of 2006. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

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

This rule could affect any agri-business that meets the federal definition of a Concentrated Animal Feeding Operation.

POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

Interested persons may contact the Agency about its prospective rulemaking proposal as follows:

Name: Deborah J. Williams
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-5544

v) Part (Heading and Code Citation):

Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R07-2

POLLUTION CONTROL BOARD

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A) Description:

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R07-2 to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2006 through June 30, 2006. At this time, the Board is aware of two sets of federal amendments to the federal national primary drinking water regulations and three sets of corrections that occurred during this update period. Those sets of amendments and corrections are described as follows:

January 4, 2006 (71 Fed. Reg. 388)

USEPA adopted the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR). The DBPR regulates drinking water disinfection practices and the content of disinfection byproducts in drinking water. The Stage 2 DBPR is intended to further reduce the risks of cancer and reproductive and other health effects associated with disinfection byproducts. The Stage 2 rule includes maximum contaminant level standards and monitoring, reporting, and public notification requirements for these contaminants. The Stage 2 rule applies to any community water supply or non-transient, non-community water system that adds a disinfectant other than ultraviolet light to drinking water. The Stage 2 DBPR is an extension of the existing Stage 1 DBPR, adopted by USEPA on December 16, 1998 (at 63 Fed. Reg. 69390) and by the Board on July 22, 1999 (in docket R99-12). The DBPR is a companion to the Enhanced Surface Water Treatment Rule (see the entry below for the January 5, 2006 USEPA action). The federal amendments include corrections to existing regulations and to the existing Stage 1 DBPR.

January 5, 2006 (71 Fed. Reg. 654)

USEPA adopted the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). The LT2ESWTR requires the use

POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

of treatment techniques and imposes monitoring, reporting, and public notification requirements on all systems that use surface water as a source of raw water. USEPA intends that the rule protect against *Cryptosporidium* and other microbial contaminants, like *Giardia lamblia*. The LT2ESWTR is an extension of earlier rules pertaining to treatment of surface water that USEPA has adopted. USEPA adopted the Surface Water Treatment Rule (SWTR) on June 29, 1989 (at 54 Fed. Reg. 27486), which the Board adopted on May 24, 1990 (in docket R88-26). USEPA then adopted the Interim Enhanced Surface Water Treatment Rule (IESWTR) on December 16, 1998 (at 63 Fed. Reg. 69478), which the Board adopted together with the Stage 1 DBPR (see the entry for the USEPA action on July 4, 2006, above) on July 22, 1999 (in docket R99-12). Later, USEPA adopted the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) on January 14, 2002 (67 Fed. Reg. 1812), which the Board adopted on December 19, 2002 (in docket R03-4). The LT2ESWTR is a companion to the Stage 2 DBPR (see the entry for the USEPA action of January 4, 2006, above).

January 27, 2006 (71 Fed. Reg. 4644)

USEPA corrected the January 4, 2006 Stage 2 DBPR. (The Board must make corresponding corrections to the Illinois amendments that will incorporate the Stage 2 DBPR.)

January 30, 2006 (71 Fed. Reg. 4968)

USEPA corrected the January 5, 2006 LT2ESWTR. (The Board must make corresponding corrections to the Illinois amendments that will incorporate the LT2ESWTR.)

February 6, 2006 (71 Fed. Reg. 6136)

USEPA again corrected the January 5, 2006 LT2ESWTR. (The Board must make corresponding corrections to the Illinois amendments that will incorporate the LT2ESWTR.)

The Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-August 2006. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-

POLLUTION CONTROL BOARD

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in-substance procedure or dismiss docket R07-2, as necessary and appropriate.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-2, if the earliest federal amendments in the applicable period were assumed to have occurred on January 4, 2006, the due date for Board adoption would be January 4, 2007.

B) Statutory authority:

Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2006, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 4, 2007, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-October 2006. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

POLLUTION CONTROL BOARD

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E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates 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, noting docket number R07-2 to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-2, to:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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w) Part (Headings and Code Citations):

LABORATORY ACCREDITATION RULES (35 Ill. Adm. Code 611)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. The proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the Agency's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the Agency, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.

B) Statutory Authority:

Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

An Agency submittal of the rulemaking proposal is anticipated by Fall or Winter of 2006. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed

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Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small business, small municipalities or not-for-profit corporations:

These amendments may affect small business, small municipalities, and not-for-profit corporations that 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 with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

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G) Other pertinent information concerning these amendments:

Interested persons may contact the Agency about its prospective rulemaking proposal as follows:

Name: Jim Shaw
Division of Laboratories
Illinois Environmental Protection Agency
Address: 1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276

x) Part (Heading and Code Citation):

GROUNDWATER QUALITY (35 Ill. Adm. Code 620)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) continues to evaluate contaminants of concern that have been commonly detected in Illinois' groundwater for inclusion in 35 Ill. Adm. Code 620. One such constituent is perchlorate. This rocket fuel component has been discovered in Illinois' groundwater, and its occurrence in Illinois is being further evaluated. Another constituent that may be considered for inclusion in the rules is ammonia. While ammonia is not a health concern at the concentrations at which it has been reported, the greater health risk is the conversion of ammonia to nitrite and nitrate within a water distribution system. In addition, the Agency has evaluated contaminants commonly detected in groundwater in association with solid waste and Resource Conservation and Recovery Act (RCRA) sites. Groundwater standards are being developed for approximately 48 contaminants that have been commonly detected in groundwater at these sites where cleanup objectives have already been developed under the Tiered Approach to Corrective Action Objectives (TACO)(35 Ill. Adm. Code 742). Finally, three constituents (radium 226, radium 228, and arsenic) have had new Maximum Contaminant Levels (MCLs) adopted. Radium and arsenic occur with some frequency in Illinois' groundwater. Therefore, a

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groundwater standard amendment consistent with the MCL will be proposed.

B) Statutory authority:

Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act (IGPA) [415 ILCS 55/1] and Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting /hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The Agency anticipates submitting a proposal to the Board in the Fall or Winter of 2006. After the filing of a proposal by the Illinois EPA, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

The Agency does not anticipate that this rule will have a significant impact on any small business, small municipality, or not-for-profit corporations.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley

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Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Agency's development of this proposal, please contact:

Name: Richard Cobb
Address: Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

y) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)

1) Rulemaking: Presently reserved docket number R07-3A) Description:

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R07-3 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2006 through June 30, 2006. At this time, the

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Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any federal actions that affect the UIC regulations and the Board action required in response to each in coming weeks, by about mid-August 2006. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R07-3, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-3, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on January 1, 2006, the due date for Board adoption would be January 1, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2006, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2006. This would be sufficiently in advance of the due date to allow the Board to accept public comments on

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the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-3, to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-3, to:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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z) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for The Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R07-5A) Description:

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R07-5 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2006 through June 30, 2006. At this time, the Board is aware of one set of federal amendments to the federal RCRA Subtitle C hazardous waste regulations that occurred during this update period. That set of amendments is described as follows:

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71 Fed. Reg. 16862 (April 4, 2006)

USEPA amended various provisions of the hazardous waste regulations to reduce the paperwork burden imposed by the rules. Some of the reduced requirements apply only to members of USEPA's Environmental Performance Track Program. The affected rules include hazardous waste management facility standards and aspects of the permitting requirements and land disposal restrictions.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2006. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure or dismiss docket R07-5, as necessary and appropriate.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is April 4, 2006, the due date for Board adoption of all amendments in the period would be April 4, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August after which time the Board will propose any amendments to the Illinois RCRA

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Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be April 4, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late November 2006. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-5, to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-5, to:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

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G) Related rulemakings and other pertinent information:

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

aa) Part (Heading and Code Citation):

Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R07-6A) Description:

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R07-6 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2006 through June 30, 2006. At this time, the Board is not aware of any federal amendments that occurred during this update period.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2006. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R07-6, as necessary and appropriate.

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Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2006, the due date for Board adoption would be January 1, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2005, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2007, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2006. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board will promptly dismiss this reserved docket.

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E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-6,to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-6,to:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-known proceeding would impact the text of Part 731.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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bb) Part (Headings and Code Citation):

TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES (35 Ill. Adm. Code 742)

1) Rulemaking: Docket R06-10A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. Since the original Board rules for a Tiered Approach to Corrective Action Objectives (TACO)(35 Ill. Adm. Code 742) were adopted on June 5, 1997, the Agency's implementation of the rules has given rise to the need for some amendments, corrections, and clarifications to existing rules. Additionally, technical documents that were used in drafting the rules have been updated, necessitating amendments to the rules.

B) Statutory Authority:

These amendments will be proposed pursuant to Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14, and 58.5].

1.

C) Scheduled Meeting/Hearing Dates:

The Board held hearings in this rulemaking on January 31, 2006 in Chicago and March 1, 2006 in Springfield.

D) Date Agency Anticipates First Notice:

The Board will anticipate proposing these amendments for first notice in the Fall or Winter of 2006, after the two scheduled hearings have been held.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's tiered approach to

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corrective action rules

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

For information regarding the development of these amendments please contact:

Name: Kimberly A. Geving
Address: 1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

cc) Part (Headings and Code Citation):

TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES (35 Ill. Adm. Code 742)

1) Rulemaking: No docket presently reserved.

A) Description:

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The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board to amend the Board rules for a Tiered Approach to Corrective Action Objectives (TACO)(35 Ill. Adm. Code 742) Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) Amendments will be proposed to establish methodologies for developing remediation objectives from risks due to chemicals moving into buildings via soil vapors from contaminated soil and groundwater.

B) Statutory Authority:

These amendments will be proposed pursuant to Sections 27, and 58.5 of the Environmental Protection Act [415 ILCS 5/27, and 58.5].

2.

C) Scheduled Meeting/Hearing Dates:

None scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

The Agency proposal may be filed with the Board as soon as Fall 2006, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's tiered approach to corrective action rules

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

For information regarding the development of these amendments please contact:

Name: Kimberly A. Geving
Address: 1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

dd) Part (Headings and Code Citation):

ILLINOIS HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (35 Ill. Adm. Code 750)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. The rules in 35 Ill. Adm. Code 750 were adopted in 1984 as rules identical in substance to the federal regulations that implement Section 105 of the Comprehensive Environmental Response, Action, and Liability Act of 1980. The statutory authority for this Part has been repealed and the Part is no longer utilized by the Agency. Therefore, the Agency plans to propose that the Board repeal Part 750.

B) Statutory Authority:

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The statutory authority for 35 Ill. Adm. Code 750 has been repealed.

3.

C) Scheduled Meeting/Hearing Dates:

None scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

The Agency proposal may be filed with the Board as soon as Fall 2006, after which the Board will cause publication of a Notice of Proposed Repealer in the Illinois Register.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

This rule will not directly affect any small business, small municipality, or not-for-profit corporation.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

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G) Related Rulemaking and other pertinent information:

For information regarding the development of these amendments please contact:

Name: Kyle Rominger
Address: 1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

ee) Part (Headings and Code Citation):

SOLID WASTE AND SPECIAL WASTE HAULING (35 Ill. Adm. Code
Part 807 and 811)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to Part 807 Subpart F and Part 811 Subpart G relating to Financial Assurance. Among other things, the proposal will include adding "evergreen" renewal language to several financial assurance mechanisms.

B) Statutory Authority:

These amendments will be proposed pursuant to Sections 21.1, 22 and 27 of the Environmental Protection Act [415 ILCS 5/21.1, 22 and 27]

C) Scheduled Meeting/Hearing Dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

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The Agency anticipates submitting its proposal in Spring 2005, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The amendments may affect any small business, small municipality or not-for-profit corporation providing or requesting financial assurance for the closure and post closure care of waste disposal sites.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

For information regarding the development of these amendments please contact:

Name: Stephanie Flowers
Address: Assistant Counsel
Illinois Environmental Protection Agency

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1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
E-Mail: Stephanie.Flowers@epa.state.il.us

ff) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number R07-4A) Description:

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R07-4 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period January 1, 2006 through June 30, 2006. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

The Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-August 2006. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R07-4, as necessary and appropriate.

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Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-4, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on January 1, 2006, the due date for Board adoption would be January 1, 2007.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2006, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2006. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations:

This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-4, to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-4, to:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

gg) Part (Headings and Code Citation):

SPECIAL WASTE CLASSIFICATIONS (35 Ill. Adm. Code 808)

NONHAZARDOUS SPECIAL WASTE HAULING AND THE UNIFORM PROGRAM (35 Ill. Adm. Code 809)

1) Rulemaking: Docket R06-20

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A) Description:

This rulemaking was proposed to the Board on December 13, 2005, by NORA, which stated that it is an association of recyclers formerly known as the National Oil Recycling Association. The proposal seeks to amend Parts 808 and 809 of the Board's regulations concerning special waste classifications and nonhazardous special waste hauling as they pertain to used oil recycling in Illinois. NORA seeks to make the Illinois program "substantially equivalent to the federal program", by eliminating the special waste hauling and manifesting requirements imposed on "used oil" as defined and managed under Part 739

B) Statutory Authority:

Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled Meeting/Hearing Dates:

The Board has held hearings in this rulemaking on May 25,2006 in Springfield and on June 29,2006 in Chicago. The Board does not anticipate scheduling additional hearings.

D) Date Agency Anticipates First Notice:

The Board anticipates that it may adopt a first notice opinion and order in this rulemaking in the Fall or Winter of 2006.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The amendments may affect any small business, small municipality or not-for-profit corporation that is involved in recycling or transporting used oil.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

POLLUTION CONTROL BOARD

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Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

hh) Part (Headings and Code Citations):

SOLID WASTE DISPOSAL: GENERAL PROVISIONS (35 Ill. Adm. Code 810)

1) Rulemaking: Docket R06-08

A) Description:

This site-specific rulemaking is based on a July 19, 2005 proposal filed by the Silbrico Corporation (Silbrico) concerning nonhazardous, perlite wastes generated at its manufacturing facility plant in Hodgkins, Cook County. The proposal, filed on, seeks to amend the Board's solid waste disposal regulations to allow Silbrico to dispose of this waste in a "clean fill construction and demolition debris" facility.

B) Statutory authority:

Implementing Sections 5, 21, 21.1, 22, 22.17, and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

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C) Scheduled meeting/hearing dates:

The Board is in the process of scheduling at least one hearing in this rulemaking.

D) Date Agency anticipates First Notice:

The Board may adopt a first notice opinion and order in this rulemaking sometime in the Fall or Winter of 2006.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

Because this has been filed as a site-specific rulemaking, these amendments would only affect Silbrico.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:
Noneii) Part (Headings and Code Citations):

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MANAGEMENT OF USED AND WASTE TIRES (35 Ill. Adm. Code 848)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management program. The proposal will include, among others, changes necessary to make the Board's rules consistent with legislative amendments to Title XIV of the Environmental Protection Act [415 ILCS 5/53 et seq.] resulting from Public Act 92-0024.

B) Statutory authority:

Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice:

The Agency may submit a proposal to the Board as soon as the Fall 2006, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.

F) Agency contact person for information:

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Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-known proceeding will affect solid waste transfer stations.

For information regarding the development of these rules please contact:

Stephanie Flowers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544
Stephanie.Flowers@epa.state.il.us

jj) Part (Headings and Code Citations):

SOUND EMISSION STANDARDS AND LIMITATIONS FOR PROPERTY LINE
NOISE SOURCES (35 Ill. Adm. Code 901)

POLLUTION CONTROL BOARD

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1) Rulemaking: Docket R06-11A) Description:

This rulemaking is based on a proposal filed on October 20, 2005, by Vaughan & Bushnell Manufacturing Company (V&B). V&B seeks a site-specific rule amending a previously promulgated site-specific noise rule that would extend the allowable operational levels of its forging facility located at the intersection of Davis and Main Streets, Bushnell in McDonough County.

B) Statutory authority:

Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

C) Scheduled meeting/hearing dates:

The Board held a hearing in this rulemaking on March 7, 2006, and may schedule another.

D) Date Agency anticipates First Notice:

The Board may adopt a first notice opinion and order in this rulemaking sometime in the Fall or Winter of 2006.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

Because this rulemaking was filed as a site-specific rule, it will only apply to the operations at V&B.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

None

kk) Parts (Headings and Code Citations):

STANDARDS AND REQUIREMENTS FOR NEW AND EXISTING MUNICIPAL
WASTE TRANSFER STATIONS (New Part)
INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION FOR A
MUNICIPAL WASTE TRANSFER STATION (New Part)
PROCEDURAL REQUIREMENTS FOR MUNICIPAL WASTE TRANSFER
STATION PERMITS (New Part)

1) Rulemaking: No docket presently reserved.A) Description:

The Illinois Environmental Protection Agency (Agency) is working on a proposal to add new rules to the Board's waste regulations. Municipal waste transfer stations currently are regulated under 35 Ill. Adm. Code 807. The Part 807 rules were developed primarily for solid waste landfills. As applied to transfer stations, they are very general with many of the specific requirements for transfer stations imposed through permit conditions under Section 807.206. Transfer stations are increasing in number and importance in Illinois' waste management system. In addition, the United States Environmental Protection Agency published in

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June 2002 "Waste Transfer Stations: A Manual for Decision-Making" (EPA530-R-02-002), guidance developed to "promote the use of best practices in transfer station siting, design and operation to maximize facilities' effectiveness while minimizing their impact on the community." The Agency is developing new Parts that will provide more specific requirements for the design, construction, operation and closure of municipal waste transfer stations as well as procedures for obtaining permits. Included with municipal waste transfer stations accepting garbage and general household and commercial waste are those transfer stations accepting exclusively construction and demolition debris and those used exclusively for landscape waste.

B) Statutory authority:

These rules will be proposed pursuant to Sections 4(i), 21(d), 22, 27 and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 21(d), 22, 27, 28].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date Agency anticipates First Notice:

The Agency may submit a proposal to the Board as soon as the Fall or Winter of 2006, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they receive municipal waste for transfer prior to treatment or disposal. For those that do, the substantive changes in requirements for design, construction and operation are expected to be minimal with many existing transfer stations already in compliance with most of the standards and requirements. However, there may be some expense for upgrading existing transfer

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stations.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently known proceeding will affect municipal waste transfer stations.

For information regarding the development of these rules please contact:

Name: Mark Wight
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544
Internet: Mark.Wight@epa.state.il.us

PROPERTY TAX APPEAL BOARD

JULY 2006 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910.
- 1) Rulemaking:
- A) Description: The purpose of the proposed rulemaking is to revise and update various sections of Part 1910, Practice and Procedure for Hearings Before the Property Tax Appeal Board.
- B) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- C) Scheduled meeting/hearing date: Not yet determined.
- D) Date agency anticipates First Notice: During the next six months.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: James W. Chipman
Executive Director
Property Tax Appeal Board
- Address: Room 402, Stratton Office Building
401 S. Spring St.
Springfield, IL 62706
- Telephone: (217) 782-6076
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

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a) Part (Heading and Code Citation): Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)

1) Rulemaking:

A) Description: This rulemaking revises all Sections of the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) to ensure consistency across Sections and to reflect current standard of care practice.

ILCS

B) Statutory Authority: Developmental Disability Prevention Act [410 250]

reviewed
Health.

C) Scheduled meeting/hearing dates: Proposed amendments will be by the Perinatal Advisory Committee and the State Board of

D) Date agency anticipates First Notice: 2006

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments may affect health care facilities and providers that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

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

b) Part (Heading and Code Citation): Health Care Data Collection and Submission Code (77 Ill. Adm. Code 1010)

1) Rulemaking:

A) Description: These rules implement the Health Finance Reform Act, as amended by Public Act 94-27, effective June 14, 2005, and the Department of Public Health Powers and Duties Law of the Civil Administration Code of Illinois, as amended by Public Act 94-501, effective August 8, 2005. The Health Finance Reform Act requires individual hospitals and ambulatory surgical treatment centers to quarterly submit, by electronic means, claims and encounter data related to inpatient discharges and outpatient cases involving surgical and invasive procedures. The required data submission will be phased in according to a specific schedule. Data collected from hospitals and ambulatory surgical treatment centers will be used in part to compile the "Consumer Guide to Health Care," a report of at least 30 conditions and procedures demonstrating the widest variation in charges and quality of care. National standard measures will be applied to Illinois data in the development of this public report to be made available on the Department's web site. The "Consumer Guide to Health Care" will include inpatient and outpatient data with current comparison information related to, but not limited to, volume of cases, average charges, risk-adjusted mortality rates, complications,

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nosocomial infections and surgical infections. The "Consumer Guide to Health Care" will include additional information appropriate for interpretation of report content, explanation of causes of variation from provider to provider and a description of standards that facilities meet under voluntary accreditation and state and federal law. The Department will evaluate additional methods of comparing the performance of hospitals and ambulatory surgical treatment centers using accepted national standard measures and methodologies. Data collected under PA 94-27 will be made available to government agencies, academic research organizations and private sector organizations for clinical performance measures and analyses. The Department of Public Health Powers and Duties Law of the Civil Administration Code of Illinois authorizes the Department to establish a fee schedule for the sale of this data to requesting agencies and organizations.

- B) Statutory Authority: Illinois Health Finance Reform Act [20 ILCS 2215] and Sections 2310-33 and 2310-57 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310-33 and 2310-57].
- C) Scheduled meeting/hearing dates: These rules will be reviewed by the State Board of Health prior to publication as a proposed rulemaking.
- D) Date agency anticipates First Notice: September, 2006
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Hospitals and ambulatory surgical treatment centers operated as small businesses or by small municipalities and not-for-profit corporations could be affected.
- F) Agency contact person for information:
Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois
217/782-2043
- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Adverse Health Care Events Reporting Code (Part number not assigned)

- 1) Rulemaking:
 - A) Description: The Adverse Health Care Events Reporting Law requires health care facilities to report adverse events related to surgery; products or devices; patient protection; care management; and environment. Facilities must also conduct a root cause analysis on reportable events and develop correction plans. The findings of each root cause analysis and respective correction plans are to be submitted to the Department. The

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Department is required to empanel a nine-person Health Care Event Reporting Advisory Committee; develop and test a reporting system; review information submitted by facilities; and develop public reports.

- B) Statutory Authority: These rules implement the Adverse Health Care Events Reporting Law of 2005, Article 10 of Public Act 094-0242.
- C) Scheduled meeting/hearing dates: These amendments will be reviewed by the State Board of Health prior to publication as a proposed rulemaking.
- D) Date agency anticipates First Notice: December, 2006
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Hospitals and ambulatory surgical treatment centers operated as small businesses or by small municipalities and not-for-profit corporations could be affected.
- F) Agency contact person for information:
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
- d) Part (Heading and Code Citation): Grade A Pasteurized Milk and Milk Products Act (77 Ill. Adm. Code 775)
- 1) Rulemaking:
- A) Description: This rulemaking will update references to several documents that are incorporated by reference in the Grade A Pasteurized Milk and Milk Products rules. Documents that are being updated include the Grade A Pasteurized Milk Ordinance (PMO), Methods of Making Sanitation Ratings of Milk Supplies (MMSR), and Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers, all published by the Food and Drug Administration. References to other documents will be updated to reflect the most current editions.
- B) Statutory Authority: Grade A Pasteurized Milk and Milk Products Act, [410 ILCS 635].

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- C) Schedule of meeting/hearing dates: Proposed amendments will be reviewed by the State Board of Health.
 - D) Date agency anticipates First Notice: Fall 2006
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: This is a voluntary, fee-based program that will have minimal impact on dairy processors.
 - 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): Local Health Protection Grant Rules (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 certified local health departments. These amendments will change the standardization and certification requirements for local health department food program supervisory or training personnel from every two years to an interval established by the Division of Food, Drugs and Dairies.
 - B) Statutory Authority: Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 2310-10 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10].
 - C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.

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- D) Date agency anticipates First Notice: December 2006
- 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
- G) Related rulemakings and other pertinent information: None.
- f) Part (Heading and Code Citation): Food Service Sanitation Code (77 Ill. Adm. Code 750)
- 1) Rulemaking
- A) Description: These rules establish definitions; define regulatory requirements for inspectors conducting inspections of food service establishments regarding management and personnel, food operations, and equipment and facilities; and employee restriction. The purpose of this Code is to safeguard public health and to provide food to consumers that is safe, unadulterated and honestly presented, to prevent illnesses caused from ingesting food. The proposed amendments consist of changes in temperature requirements of potentially hazardous food items and also the definition of a potentially hazardous food item. These proposed changes are supported by current science as submitted at the National Conference for Food Protection.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]; the Sanitary Food Preparation Act [410 ILCS 650]; and the Food Handling Regulation Enforcement Act [410 ILCS 625].

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- C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: December 2006
- 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

- G) Related rulemakings and other pertinent information: None.

g) Part (Heading and Code Citation): Shellfish Certification Code (77 Ill. Adm. Code 720)

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 sanitation, including guidelines and regulations of the Food and Drug Administration titled National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish and Fish and Fishery Products (21 CFR 123).
- B) Statutory Authority: 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: December 2006

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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.
- h) Part (Heading and Code Citation): Public Health and Safety Animal Population Control Code (Part number not assigned)
- 1) Rulemaking:
- A) Description: In 2005, the General Assembly passed the Illinois Public Health and Safety Animal Population Control Act (P.A. 94-0639). The Act was introduced as a means to protect the public safety by decreasing the number of dangerous dogs and stray dogs and feral cat populations throughout the State. The Act requires the Illinois Department of Public Health (IDPH) to develop and administer a program of reimbursements to veterinarians for sterilization and rabies vaccination of the dogs and cats of low-income owners and feral cat colony caretakers. Funding into the dedicated fund is derived through Illinois' Pet Friendly License Program, an income tax check-off program, a variety of fines and public safety fines levied on pet owners, and voluntary contributions.
- B) Statutory Authority: Illinois Public Safety Animal Population Control Act [510 ILCS 5]
- C) Schedule of meeting/hearing dates: The rules will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: November 2006

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- 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
- i) Part (Heading and Code Citation): Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
- 1) Rulemaking:
- A) Description: This rulemaking will change the name of the Uniform DNR Order form to the "Uniform DNR Advance Directive," in accordance with Public Act 94-865.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: EMS Advisory Council – June 29, 2006
- D) Date agency anticipates First Notice: July 2006
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Susan Meister
535 West Jefferson, 5th Floor
Springfield, IL 62761
217-782-2043

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- G) Related rulemakings and other pertinent information: none
- j) Part (Heading and Code Citation): End Stage Renal Disease Facility Code (77 Ill. Adm. Code 235)
- 1) Rulemaking:
- A) Description: These rules will implement the End Stage Renal Disease Facility Act [210 ILCS 62]. The rules will include standards for infection control, personnel, patient-care services, records, physical plant, and quality assessment and improvement. Procedures for licensure application, inspections, notice of violation, plans of correction, sanctions, and hearings will be established.
- B) Statutory Authority: End Stage Renal Disease Facility Act [210 ILCS 62]
- C) Scheduled meeting/hearing dates: These rules will be reviewed by an advisory committee established by the Act.
- D) Date agency anticipates First Notice: Fall 2006
- E) Effect on small businesses, small municipalities, or not-for profit corporations: These amendments may affect small businesses and not-for-profit corporations that become licensees.
- F) Requests for information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761
217-782-2043
- G) Related rulemaking and other information: None
- k) Part (Heading and Code Citation): Innovations in Long-Term Care Quality Grant Code (Code citation not assigned)

DEPARTMENT OF PUBLIC HEALTH

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1) Rulemaking:

- A) Description: This new Part will define the requirements for a facility to apply for a grant under the Innovations in Long-Term Care Quality Grant Act.
- B) Statutory Authority: Innovations in Long-Term Care Quality Grant Act (P.A. 92-0784)
- C) Scheduled meeting/hearing dates: Pending appointment of the advisory committee.
- D) Date agency anticipates First Notice: Publication is dependent upon review by the advisory committee.
- E) Effect on small businesses, small municipalities, or not-for profit corporations: This rule may affect small businesses and not-for-profit corporations that are licensed under the Nursing Home Care Act [210 ILCS 45].
- F) Requests for information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761
217-782-2043
- G) Related rulemaking and other information: None

l) 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

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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 Health Care Delivery Act [210 ILCS 3]
- C) Scheduled meeting/hearing dates: These amendments were approved by the State Board of Health on March 9, 2006.
- D) Date agency anticipates First Notice: Summer 2006
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The one current licensee in this program is a not-for-profit corporation.
- F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
217/782-2043

- G) Related rulemaking and other information: None
- m) Part (Heading and Code Citation): Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)
- 1) Rulemaking:
 - A) Description: The rules are being amended to implement P.A. 93-141, which amended the Assisted Living and Shared Housing Act to add a provision for "floating" licenses. Section 295.3040 also is being amended to conform to the Health Care Worker Background Check Code (77 Ill.

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Adm. Code 955). Other sections of the code are being amended to clarify existing language.

- B) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9].
- C) Schedule of meeting/hearing dates: Assisted Living Advisory Board, Fall 2006
- D) Date agency anticipates First Notice: Fall 2006
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect small business and not-for-profit corporations.
- F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217-782-2043

- G) Related rulemaking and other information: none
- n) Heading (Parts and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Code (77 Ill. Adm. Code 340); Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350); Long-term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390).
- 1) Rulemaking:
 - A) Description: The emergency and proposed amendments, to be filed at the same time, will implement Public Act 94-0752, which became effective May 10, 2006. Public Act 94-0752 strengthened and clarified language in the Nursing Home Care Act [210 ILCS 45] concerning "identified offenders."

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- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
 - C) Scheduled meeting/hearing dates: July 2006
 - D) Date agency anticipates First Notice: July 2006
 - E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect small business and not-for-profit corporations.
 - F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217-782-2043
 - G) Related rulemaking and other information: none
- o) Part (Heading and Code Citation): Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- 1) Rulemaking:
 - A) Description: The proposed amendments will implement Public Act 94-349, which amended the Hospital Licensing Act [210 ILCS 85] to prohibit mandatory nurse overtime.
 - B) Statutory Authority: Hospital Licensing Act [210 ILCS 85].
 - C) Scheduled meeting/hearing dates: Hospital Licensing Board, Fall 2006.
 - D) Date agency anticipates First Notice: Fall, 2006

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E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect facilities that are small businesses and not-for-profit corporations.

F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Dept. of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217-782-2043

G) Related rulemaking and other information: none

p) Heading Part and Code Citation: Hospital Licensing Requirements (77 Ill. Adm. Code 250)

1) Rulemaking:

A) Description: The proposed amendments will implement Public Act 93-0041, which amended the Hospital Licensing Act [210 ILCS 85] regarding plan review and fees, waivers, informal dispute resolution, findings and quality improvement.

B) Statutory Authority: Hospital Licensing Act [210 ILCS 85].

C) Scheduled meeting/hearing dates: Hospital Licensing Board

D) Date agency anticipates First Notice: 2006

E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect facilities that are small businesses and not-for-profit corporations.

F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister

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Division of Legal Services
Illinois Dept. of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217-782-2043

G) Related rulemaking and other information: None

q) Part (Heading and Code Citation): Hospital Licensing Requirements (77 Ill. Adm. Code 250).

1) Rulemaking:

A) Description: These rules will be amended to reference the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).

B) Statutory Authority: Hospital Licensing Act [210 ILCS 85].

C) Scheduled meeting/hearing dates: Hospital Licensing Board, Fall 2006.

D) Date agency anticipates First Notice: Fall 2006

E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect facilities that are small businesses and not-for-profit corporations.

F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Dept. of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217-782-2043

G) Related rulemaking and other information: None

r) Part (Heading and Code Citation): Hospital Licensing Requirements (77 Ill. Adm. Code 250).

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- 1) Rulemaking:
 - A) Description: The rules will be amended to update language regulating infant identification.
 - B) Statutory Authority: Hospital Licensing Act [210 ILCS 85].
 - C) Scheduled meeting/hearing dates: Hospital Licensing Board, Fall 2006.
 - D) Date Agency anticipates First Notice: Fall, 2006.
 - E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect facilities that are small businesses and not-for-profit corporations.
 - F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Dept. of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217-782-2043
 - G) Related rulemaking and other information: None.
- s) Part (Heading and Code Citation): Hospital Licensing Requirements (77 Ill. Adm. Code 250).
 - 1) Rulemaking:
 - A) Description: Amendments will implement Public Act 92-356, which amended the Hospital Licensing Act [210 ILCS 85] to require hospitals to develop policies implementing physician-ordered "do-not-resuscitate" orders, and required hospitals and long-term care facilities to honor the Department of Public Health's Uniform DNR Order Form in their "do-not-resuscitate" policies.

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- B) Statutory Authority: Hospital Licensing Act [21 ILCS 85]
- C) Scheduled meeting/hearing dates: Fall 2006 meeting of the Hospital Licensing Board
- D) Date agency anticipates First Notice: Fall 2006.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect hospitals and facilities that are small businesses and not-for-profit corporations.
- F) Requests for information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
Illinois Dept. of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217-782-2043
- G) Related rulemaking and other information: None
- t) Part Heading and Code Citation: Health Care Worker Background Check Code (77 Ill. Adm. Code 955).
- 1) Rulemaking:
- A) Description: These rules will implement Public Act 94-665, which amended the Health Care Worker Background Check Act [225 ILCS 46] to allow the Department to make use of a federal Center for Medicare and Medicaid Services grant intended to improve health care worker background checks in Illinois.
- B) Statutory Authority: Health Care Worker Background Check Act [225 ILCS 46]
- C) Scheduled meeting/hearing dates: These amendments will be reviewed by the State Board of Health.

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- D) Date agency anticipates first notice: Summer 2006.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect hospitals and facilities that are small businesses and not-for-profit corporations.
- F) Requests for information concerning this regulatory agenda shall be directed to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761
217-782-2043
- G) Related rulemaking and other information: None
- u) Part (Heading and Code Citation): Illinois Home Health Agency Code (77 Ill. Adm. Code 245)
- 1) Rulemaking:
- A) Description: The rules will be amended to implement Public Act 94-429, adding language to regulate annual influenza and pneumococcal vaccinations and how agencies administer or arrange for those vaccinations.
- B) Statutory Authority: Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 85].
- C) Scheduled meeting/hearing dates: These rules will be reviewed by the State Board of Health
- D) Date Agency anticipates First Notice: Fall 2006.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect facilities that are small businesses and not-for-profit corporations.

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- F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Dept. of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217-782-2043

- G) Related rulemaking and other information: None

- v) Heading Part and Code Citation: Hospice Programs Code (77 Ill. Adm. Code 280).

- 1) Rulemaking:

- A) Description: The rules will be amended to implement Public Act 94-570, which made numerous changes to the Hospice Program Licensing Act [210 ILCS 60].
- B) Statutory Authority: Hospice Program Licensing Act [210 ILCS 60].
- C) Scheduled meeting/hearing dates: This rulemaking will be reviewed by the State Board of Health.
- D) Date Agency anticipates First Notice: Fall 2006.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments may affect facilities that are small businesses and not-for-profit corporations.
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Dept. of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
217-782-2043

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G) Related rulemaking and other information: None

w) Part Heading and Code Citation: Control of Tuberculosis Code (77 Ill. Adm. 696)

1) Rulemaking:

A) Description: This rulemaking will allow health care providers to use all blood tests approved by the U.S. Food and Drug Administration for tuberculosis screening for the detection of patients with active tuberculosis disease (TB) or with latent TB infection (LTBI). Currently rules limit the screening blood tests to the use of the tuberculin skin test.

B) Statutory Authority: Communicable Disease Report Act [745 ILCS 45], Department of Public Health Act [20 ILCS 2305].

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

D) Date agency anticipates First Notice: November 2006

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

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

1) Rulemaking:

A) Description: The Control of Communicable Diseases Code provides a list of the reportable diseases and conditions, procedures for reporting, detailed procedures for the control of communicable diseases,

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definitions of terms, and general procedures. A new Subpart on isolation and quarantine will be added. The proposed amendments to the existing rules update the rules based on the most current medical practice; this information is intended to improve the control of communicable disease in Illinois.

- B) Statutory Authority: Communicable Disease Report Act [745 ILCS 45]
- C) Schedule of meeting/hearing dates: The amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: November 2006
- 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

y) Part Heading and Code Citation: HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm.Code 697)

1) Rulemaking:

- A) Description: Since 1999, Illinois has conducted HIV surveillance using unique code-based identifiers; however, in response to requirements for state funding under the federal reauthorization of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act, effective January 1, 2006, Illinois implemented confidential, name-based surveillance for HIV infections. These amendments are necessary to address the changes necessary to fully implement HIV name-based reporting in the state.

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- B) Statutory Authority: AIDS Confidentiality Act (410 ILCS 305); AIDS Registry Act [410 ILCS 310]; Communicable Disease Prevention Act [410 ILCS 315]; and Sections 55, 55.11, 55.41 and 55.45 of the Civil Administrative Code of Illinois [20 ILCS 2310/55 et seq.]
- C) Schedule of meeting/hearing dates: The amendments will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: December 2006
- 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

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a) Part: Income Tax, 86 Ill. Adm. Code 1001) Rulemaking:

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

Part 100 will be amended by adding rules and amending existing rules governing the allocation and apportionment of income under Article 3 of the IITA.

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

Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the acceptance of substitute W-2s, rounding amounts on returns to the nearest dollar and on the issue of when a taxpayer is subject to tax in another state under IITA Section 303(f).

Part 100 will be amended by updating the provisions for credits for taxes paid to other states, innocent spouse relief, exempt income, filing of withholding exemption certificates by employees and the handling of those certificates by employers, and subtractions for medical savings accounts to reflect changes in relevant laws and to address new issues.

Part 100 will be amended to provide guidance for payment of estimated taxes during short taxable years, during years in which marital status changes, and for computation of penalties for late payment of estimated taxes.

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

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Part 100 will be amended to implement legislation enacted in 2004 and 2005, including the tax shelter registration and disclosure provisions and penalties for noncompliance, the definition of business income, recapture of business expenses, disallowance of deductions for payments to 80-20 companies, amendments to the filing production services credit statute, and investment partnership provisions.

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

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

Paul S. Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951
- G) Related rulemakings and other pertinent information: None

b) Part: Rental Housing Support Program, 86 Ill. Adm. Code 121

1) Rulemaking:

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- A) Description: New rules will be created under Part 121 to implement the new Rental Housing Support Program.
- B) Statutory Authority: 55 ILCS 5/3-5018
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: February or March 2006
- E) Effect on small business, small municipalities or not for profit corporations: De minimus. Small business and not for profit organizations are subject to the \$10 recording fee for real estate related documents. Units of local government are exempt under the statute.
- F) Agency contact person for information:

Robin Gill
Associate Counsel
Illinois Department of Revenue
100 West Randolph, 7-900
Chicago, Illinois 60601
Telephone: 312-814-3522
- G) Related rulemakings and other pertinent information: None.

c) Part: Retailers' Occupation Tax, 86 Ill. Adm. Code 1301) Rulemaking:

- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings. Some of the highlights of these changes include:

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1. Revision of Section 130.340, governing the rolling stock exemption, in response to changes to that exemption made by Public Act 93-1033.
2. Revision of Section 130.605 to reflect the provisions of Public Act 93-1068. That act provides that the exemption generally available to nonresidents that purchase motor vehicles in Illinois that will not be titled here does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for the use in that state of a motor vehicle sold and delivered in that state to an Illinois resident who will title that vehicle in Illinois. This section will also be amended to provide that driveaway decals may not be issued to specified types of vehicles, including, but not limited to, all-terrain vehicles along with a similar reference in Section 130.120(m).
3. Revision of Section 130.415 (transportation and delivery charges) to add examples and to clarify the requirement of a separate agreement between seller and purchaser, particularly in the case of Internet, mail order, telephone and television orders. Also, revisions regarding shipping and handling charges to clarify what tax rate applies to taxable handling charges for an order that contains both high tax rate and low tax rate items.
4. Promulgation of a regulation explaining the taxation of seminar materials.
5. Amendment of Section 130.2145 to explain the tax liability of hotels for room rental charges made in connection with events during which food is provided by the hotels, such as conferences and weddings.
6. Amendment of Section 130.310 governing taxation of food, drugs and medical appliances to clarify the manner in which the tax rate on food is determined and to clarify the manner in which the exemption for drugs and medical appliances is administered.
7. Amendment of Section 130.2005 regarding nonprofit service enterprises to clarify how tax-exempt organizations handle

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fundraising events other than occasional dinners and bake sales and similar events.

8. Amendment of Section 130.325 regarding the graphic arts equipment exemption to clarify how the exemption applies when a purchase involve multiple payments or multiple deliveries.
 9. The Department anticipates creating a new section regarding the intermodal facilities building materials exemption that was created by P.A. 94-0546.
 10. Amendment of Section 130.2013 regarding the lessor's credit to describe the requirements necessary for claiming the credit on sales to customers who are purchasing items that they had previously leased from those lessors.
 11. Amendment of Section 130.2165 regarding veterinarians to clarify when the tax is applicable in situations involving over-the-counter transactions versus service transactions.
 12. Amendment of Section 130.455 regarding motor vehicle trade-ins to clarify issues regarding trade-ins including how advance trade-ins apply in auction situations.
 13. Amendment of Section 130.2115 regarding special order items to clarify how repeat orders of special order items are taxed.
 14. Amendment of Section 130.331 to clarify that claims for credit filed by taxpayers who merely wish to change a method of payment for a taxable purchase in order to use Manufacturer's Purchase Credit do not accrue interest.
- B) Statutory Authority: 35 ILCS 120
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six

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months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations. Transportation companies and their suppliers will be affected by the rolling stock regulations. Restaurants, grocers and other establishments selling food products will be affected by changes to Section 130.310, as will persons selling drugs and medical appliances. Businesses selling motor vehicles will be affected by the changes proposed to Section 130.605. Hotels will be affected by the changes proposed to Section 130.2145. Tax exempt organizations will be affected by the changes proposed to Section 130.2005. Sellers of all-terrain vehicles (ATVs) will be affected by the changes proposed to Section 130.120 and 130.605.

- F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

- G) Related rulemakings and other pertinent information: None

- d) Part: Service Occupation Tax, 86 Ill. Adm. Code 140

- 1) Rulemaking:

- A) Description: Amendments will be made as part of a general update to clarify application of the Service Occupation Tax and to reflect recent decisional law, statutory changes and Department policy. One of the highlights of these changes is a revision to Section 140.108 to add an example of a company that provides water service as a de minimis serviceman.

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- B) Statutory Authority: 35 ILCS 115
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: None

e) Part: Use Tax, 86 Ill. Adm. Code 150

- 1) Rulemaking:
- A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies. Examples include regulations that set forth the Department's policies regarding the types of activities and relationships that establish nexus for Use Tax collection, and amendments to Section 150.306 to describe the factors that the Department will consider when determining if an item qualifies for the interim use exemption.
- B) Statutory Authority: 35 ILCS 105

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

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: None

f) Part: Service Use Tax, 86 Ill. Adm. Code 1601) Rulemaking:

- A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments, decisional law and Department policies.
- B) Statutory Authority: 35 ILCS 110
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.

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E) Effect on small business, small municipalities or not for profit corporations:
These amendments will affect persons subject to the Service Use Tax, including persons required to collect Use Tax from Illinois purchasers.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None

g) Part: Bingo License and Tax Act, 86 Ill. Adm. Code 430

1) Rulemaking:

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

B) Statutory Authority: 230 ILCS 25/1

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

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

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

F) Agency contact person for information:

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Jackson Donley

Senior Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

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

h) Part: Pull Tabs and Jar Games, 86 Ill. Adm. Code 432

1) Rulemaking:

A) Description: Regulations will be amended to clarify record keeping requirements and the documentation required for a license application.

B) Statutory Authority: 230 ILCS 20/1

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

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

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

F) Agency contact person for information:

Jackson Donley

Senior Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

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

i) Part: Charitable Games, 86 Ill. Adm. Code 435

1) Rulemaking:

- A) Description: Regulations will be amended to clarify record keeping requirements and the documentation required for a license application.
- B) Statutory Authority: 230 ILCS 30/1
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for a charitable games license will be affected by this rulemaking.
- F) Agency contact person for information:

Jackson Donley

Senior Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

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

j) Part: Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) Rulemaking:

DEPARTMENT OF REVENUE

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- A) Description: Regulations will be updated to reflect new statutory provisions, decisional law and Department policy. Examples include:
1. Regulations that explain the manner in which DSL services are taxed.
 2. Regulations that explain the taxation of telecommunications that are provided by cable and satellite television companies as part of internet access services and the taxation of Voice Over Internet Protocol (VOIP).
 3. Regulations which reflect the provisions of the Simplified Telecommunications Tax Act (92-526, 92-878, 92-602 and 93-286) and the Mobile Telecommunications Sourcing Conformity Act. (92-474).
 4. Regulations that explain the telecommunications tax liabilities involved when multiple parties are joined together in different conference calling arrangements.
- B) Statutory Authority: 35 ILCS 630; Public Acts 92-526; 92-0602; 92-878 and 93-286.
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings to Par 495 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Retailers of telecommunications and their telecommunications customers will be affected by these regulations.
- F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue

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101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

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

DEPARTMENT OF REVENUE

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

l) Part: New Part, Amnesty, 86 Ill. Adm. Code 522

1) Rulemaking:

- A) Description: Emergency regulations adopted after the Illinois Tax Delinquency Act was enacted in 2003 (Public Act 93-0026) have expired and must be replaced by permanent regulations.
- B) Statutory Authority: 35 ILCS 745
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: Within the next 6 months.
- E) Effect on small business, small municipalities and not for profit corporations: Any small business or not for profit corporation that had an Illinois tax liability that qualified for amnesty under the Illinois Tax Delinquency Act will receive guidance on the consequences of participating or failing to participate in the amnesty program.
- F) Agency contact person for information:

Paul S. Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7055

- G) Related rulemakings and other pertinent information: None.

m) Part: Non-Home Rule Municipal Retailers' Occupation Tax, 86 Ill. Adm. Code 693

DEPARTMENT OF REVENUE

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1) Rulemaking:

- A) Description: Section 693.101 will be amended to reference the increase in the maximum tax rate authorized from ½% to 1% pursuant to Public Act 94-679, effective January 1, 2006.
- B) Statutory Authority: 65 ILCS 5/8-11-1.1; 65 ILCS 5/8-11-1.3.
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Non-home rule municipalities are authorized to impose the tax at a maximum rate of 1% (formerly ½ %). All businesses that are engaged in making sales of tangible personal property at retail in such non-home rule municipalities will be subject to tax at a maximum rate of 1% (formerly ½%).
- F) Agency contact person for information:

Jerilynn Gorden

Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

- G) Related rulemakings and other pertinent information: Similar rulemakings will be proposed for 86 Ill. Adm. Code Part 694.

n) Part: Non-Home Rule Municipal Service Occupation Tax, 86 Ill. Adm. Code 6941) Rulemaking:

DEPARTMENT OF REVENUE

JULY 2006 REGULATORY AGENDA

- A) Description: Section 694.101 will be amended to reference the increase in the maximum tax rate authorized from ½% to 1% pursuant to Public Act 94-679, effective January 1, 2006.
- B) Statutory Authority: 65 ILCS 5/8-11-1.1; 65 ILCS 5/8-11-1.4.
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Non-home rule municipalities are authorized to impose the tax at a maximum rate of 1% (formerly ½%). All businesses that are engaged in making sales of service when tangible personal property is transferred incident to those sales of service in such non-home rule municipalities will be subject to tax at a maximum rate of 1% (formerly ½%).
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: Similar rulemakings will be proposed for 86 Ill. Adm. Code Part 693.

o) Part: Uniform Penalty and Interest Act, 86 Ill. Adm. Code 700

1) Rulemaking:

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

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- B) Statutory Authority: 20 ICLS 2505/2505-795.
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filings during the next six months of this year.
- E) Effect on small business, small municipalities and not for profit corporations: These rulemakings will provide guidance for any business or not for profit corporation that incurs tax liabilities potentially subject to penalty or interest obligations under the Uniform Penalty and Interest Act.
- F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794

Telephone: (217) 524-3951

- G) Related rulemakings and other pertinent information: None.

p) Part: Public Information, Rulemaking And Organization, 86 Ill. Adm. Code 1200

1) Rulemaking:

- A) Description: Section 1200.110 will be amended to list additional information that is required from a taxpayer for a Private Letter Ruling request. Such additional information will include for example the taxpayer's Illinois Business Tax (IBT) number and Federal Employer Identification Number (FEIN) or other tax related identification numbers.
- B) Statutory Authority: 20 ILCS 2515/2515-3.
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

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- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: All businesses, small municipalities, and not for profit corporations that request a Private Letter Ruling from the Department will have to provide such additional information as part of their request.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: None.

q) Part: New Part Governing Electronic Filing of Corporate Income Tax Returns

- 1) Rulemaking:
- A) Description: The Department will promulgate regulations providing the procedures for corporations, partnerships and tax exempt organizations to file their Illinois income tax returns electronically.
- B) Statutory Authority: 35 ILCS 5/502
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filings during the next six months of this year.

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- E) Effect on small business, small municipalities and not for profit corporations: This rulemaking will provide guidance for corporations who will file their Illinois income tax returns electronically.
- F) Agency contact person for information:
- Rickey A. Walton
Special Assistant Attorney General
Illinois Department of Revenue
100 W. Randolph St., 7-900
Chicago, IL 60601
Telephone: (312) 814-3185
- G) Related rulemakings and other pertinent information: None.
- r) Part: New Part Governing Internet Filing of Sales and Use Tax Returns
- 1) Rulemaking:
- A) Description: Regulations will be promulgated to provide the specific procedures and requirements for persons using an Internet-based system to file sales and use tax returns.
- B) Statutory Authority: 20 ILCS 2505/2505-210.
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Persons using the Internet to file sales and use tax returns will be affected by these rules.
- F) Agency contact person for information:

Jerilynn Gorden

DEPARTMENT OF REVENUE

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Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None.

s) Part: New Part Governing Business District Taxes

1) Rulemaking:

A) Description: Regulations will be promulgated to set out specific procedures and requirements for the business district taxes authorized by P.A 93-1053.

B) Statutory Authority: 65 ILCS 5/11-74.3-6.

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

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

E) Effect on small business, small municipalities or not for profit corporations: Municipalities are authorized to impose these taxes within business districts established by those municipalities. All businesses that are engaged in making sales of tangible personal property at retail and sales of service when tangible personal property is transferred incident to those sales of service within a business district where those taxes are imposed will be subject to those taxes.

F) Agency contact person for information:

Jerilynn Gorden
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Illinois Department of Revenue
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Springfield, IL 62794

DEPARTMENT OF REVENUE

JULY 2006 REGULATORY AGENDA

Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None.

t) Part: Lottery, 11 Ill. Adm. Code 1770

1) Rulemaking:

- A) Description: Lottery anticipates an amendment to 11 Ill. Adm. Code 1770.80 to simplify transactions for corporations experiencing a change in 50 percent or more of their corporate officers, for transfers of ownership interests between immediate family members, and for municipal entities experiencing a change in elected officials. Additionally, we will amend Section 1770.130 to change a "Big Game" reference to the current game name, "Mega Millions."
- B) Statutory Authority: Section 7.1 of the Illinois Lottery Law [20 ILCS 1605/7.1].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled.
- D) Date agency anticipates First Notice: The Lottery has not established a timeframe for this anticipated rulemaking.
- E) Effect on small business, small municipalities or not for profit corporations: The anticipated rule will reduce the cost of transferring ownership of small, family-owned businesses, both in terms of fees and time invested. The same will be true for not-for-profit corporations and municipalities.
- F) Agency contact person for information:

Lisa A. Crites
Illinois Dept. of Revenue
Lottery Program
101 W. Jefferson, MC 5-950
Springfield, IL 62702
Telephone: (217) 524-5253

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- G) Related rulemakings and other pertinent information: There is no related rulemaking.

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- 1) Part (Heading and Code Citation): Questions Asked of a Driver's License Applicant (92 Ill. Adm. Code 1030. Appendix A)

4. Rulemaking:

Description of Rule(s): This amendment will address the requirements of P.A. 94-0307, which requires the Secretary of State to record the names of all states where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years pursuant to Federal Motor Carrier Safety Improvement Act, 49 C.F.R. Part 383.

Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-510(a)(6.1)

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: August 2006

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Illinois Secretary of State
Driver Services Department
Jo Ann Wilson, Legislative Liaison
c/o Director's Office
2701 South Dirksen Parkway
Springfield, IL 62723
217-785-1441 Fax 217-557-1033
jwilson@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

- 2) Part (Heading and Code Citation): Endorsements (92 Ill. Adm. Code 1030.81)

5. Rulemaking:

Description of Rule(s): Defines endorsements. This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.

Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: August 2006

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

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JULY 2006 REGULATORY AGENDA

- F) Agency Contact Person for Information:
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jwilson@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None
- c) Part (Heading and Code Citation): Instruction Permits (92 Ill. Adm. Code 1030.65)
- 1) Rulemaking:
- A) Description of Rule(s): Requirements for obtaining an instruction permit. This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-507 and 625 ILCS 5/6-521
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
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217-785-1441 Fax 217-557-1033
jwilson@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None
- d) Part (Heading and Code Citation): Charter Bus Driver Endorsement Requirements (92 Ill. Adm. Code 1030.82)
- 1) Rulemaking:

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- A) Description of Rule(s): Requirements for charter bus driver endorsements. This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
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jwilson@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None
- e) Part (Heading and Code Citation): Hazardous Material Endorsement (92 Ill. Adm. Code 1030.83)
- 1) Rulemaking:
- A) Description of Rule(s): Requirements for hazardous material endorsement. This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
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- f) G) Related Rulemakings and Other Pertinent Information: None
Part (Heading and Code Citations): Vehicle Inspection (92 Ill. Adm. Code 1030.84)
- 1) Rulemaking:
- A) Description of Rule(s): Definitions and requirements for vehicle inspection. This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
Illinois Secretary of State
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jwilson@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None
- g) Part (Heading and Code Citation): Driver's License Testing/Road Test (92 Ill. Adm. Code 1030.85)
- 1) Rulemaking:
- A) Description of Rule(s): Definitions and requirements for driver's license testing/road test. This amendment is necessary in order to come into compliance with the Federal Carrier Safety Regulations.
- B) Statutory Authority: 625 ILCS 5/2 Motor -104 and 625 ILCS 5/6-521
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
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- G) Related Rulemakings and Other Pertinent Information: None
- h) Part (Heading and Code Citation): Restrictions (92 Ill. Adm. Code 1030.92)
- 1) Rulemaking:
- A) Description of Rule(s): This amendment will address the requirements of 625 ILCS 5/6-113, which authorizes the Secretary of State, whenever good cause appears, to impose such other restrictions applicable to the licensee as the Secretary of State may determine appropriate to assure the safe operations of a motor vehicle by the licensee.
- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-113
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
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jwilson@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None
- i) Part (Heading and Code Citation): Restricted Commercial Driver's License (92 Ill. Adm. Code 1030.96)
- 1) Rulemaking:
- A) Description of Rule(s): Definitions and requirements for restricted commercial driver's license. This amendment is necessary in order to come into compliance with Public Act 94-0307 (July 205) and the Federal Motor Carrier Safety Regulations.
- B) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-206; 625 ILCS 5/6-500 and 625 ILCS 5/6-521
- C) Scheduled Meeting/Hearing Dates: None

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- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
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2701 South Dirksen Parkway
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217-785-1441 Fax 217-557-1033
jwilson@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None
- j) Part (Heading and Code Citation): School Bus Commercial Driver's License (92 Ill. Adm. Code 1030.98)
- 1) Rulemaking:
- A) Description of Rule(s): Definitions and requirements for a school bus commercial driver's license. This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
Illinois Secretary of State
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jwilson@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None
- k) Part (Heading and Code Citation): Expiration of Licenses (92 Ill. Adm. Code 1030.150)
- 1) Rulemaking:
- A) Description of Rule(s): This new proposed rule will address the requirements of 625 ILCS 5/6-115, which authorizes the Secretary of State

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to provide that each driver's license issued to a person convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall expire 12 months from the date of issuance or at such date the Secretary may designate not to exceed an additional 12 calendar months.

- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-115(i)
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Illinois Secretary of State
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Jo Ann Wilson, Legislative Liaison
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Springfield, IL 62723
217-785-1441 Fax 217-557-1033
jwilson@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

- l) Part (Heading and Code Citation): Permit Application Process (92 Ill. Adm. Code 1035.25)

1) Rulemaking:

- A) Description of Rule(s): Permit application process for school bus drivers. This amendment will establish uniformity between the bus driver's application process and CDL driver's application process.
- B) Statutory Authority: 625 ILCS 5/6-121; 625 ILCS 5/6-521 and 625 ILCS 5/2-104
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
Illinois Secretary of State
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JULY 2006 REGULATORY AGENDA

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- m) G) Related Rulemakings and Other Pertinent Information: None
Part (Heading and Code Citation): Illinois Offense Table (92 Ill. Adm. Code 1040.20)
- 1) Rulemaking:
- A) Description of Rule(s): This amendment is necessary to update the Illinois Offense Table to be in compliance with the Federal Motor Carrier Safety Regulations.
- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
Illinois Secretary of State
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- G) Related Rulemakings and Other Pertinent Information: None
- n) Part (Heading and Code Citation): Suspension of License of Commercial Vehicle Driver (92 Ill. Adm. Code 1040.50)
- 1) Rulemaking:
- A) Description of Rule(s): This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
Illinois Secretary of State

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JULY 2006 REGULATORY AGENDA

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- G) Related Rulemakings and Other Pertinent Information: None
- o) Part (Heading and Code Citation): Temporary Licenses (92 Ill. Adm. Code 1030.89)
- 1) Rulemaking:
- A) Description of Rule(s): This amendment addresses the authority granted to the Secretary of State to issue a 30-day temporary permit to an applicant under the age of 18 to operate a motor vehicle if unable to produce a driver's license due to an equipment or computer program failure or lack of necessary equipment.
- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-107.4
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
- Illinois Secretary of State
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jwilson@ilsos.net
- G) Related Rulemaking and Other Pertinent Information: None
- p) Part (Heading and Code Citation): Release of Information Regarding a Disposition of Court Supervision (92 Ill. Adm. Code 1040.60)
- 1) Rulemakings:
- A) Description of Rule(s): Definitions and restrictions on the release of information regarding a disposition of court supervision. This amendment is necessary in order to come into compliance with the Federal Motor

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Carrier Safety Regulations.

- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
Illinois Secretary of State
Driver Services Department
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jwilson@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None

q) Part (Heading and Code Citation): Problem Driver Pointer System (92 Ill. Adm. Code 1040.70)

- 1) Rulemakings:
 - A) Description of Rule(s): Definitions and requirements for the Problem Driver Pointer System. This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
 - B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
 - C) Scheduled Meeting/Hearing Dates: None
 - D) Date Agency Anticipates First Notice: August 2006
 - E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
 - F) Agency Contact Person for Information:
Illinois Secretary of State
Driver Services Department
Jo Ann Wilson, Legislative Liaison
c/o Director's Office
2701 South Dirksen Parkway
Springfield, IL 62723
217-785-1441 Fax 217-557-1033
jwilson@ilsos.net

SECRETARY OF STATE

JULY 2006 REGULATORY AGENDA

- r) G) Related Rulemakings and Other Pertinent Information: None
Part (Heading and Code Citation): Use of Captured Images (92 Ill. Adm. Code 1030.140)
- 1) Rulemaking:
- A) Description of Rule(s): Definitions and requirements for the sharing of stored images of photographs and signatures of Drivers License and ID cardholders to law enforcement and others as defined in administrative rule.
- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-110.1
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: August 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
Illinois Secretary of State
Driver Services Department
Jo Ann Wilson, Legislative Liaison
c/o Director's Office
2701 South Dirksen Parkway
Springfield, IL 62723
217-785-1441 Fax 217-557-1033
jwilson@ilsos.net
- s) G) Related Rulemakings and Other Pertinent Information: None
Part (Heading and Code Citation): Procedures and Standards (92 Ill. Adm. Code 1001.10)
- 1) Rulemakings:
- A) Description of Rule(s):
The Department is considering some modifications and clarifications to its hearing procedure (Subpart A of 92 IAC Part 1001), Safety Responsibility hearings (Subpart B), Informal Hearings (Subpart C), and to some substantive rules on hearings (Subpart D). Among others, the following amendments are under consideration.
- Require that a petition to contest an implied consent suspension be filed within a specified number of days after the effective date of the suspension (§1001.70). There are currently a couple of conflicting appellate court opinions which address this issue;
 - Remove the rule which allows a petitioner to file a Motion to Correct a

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JULY 2006 REGULATORY AGENDA

material Misstatement of Fact (§1001.80 and §1001.110(g)); Also, we will codify our policy on requiring petitioners to submit the original document (rather than a copy) at their hearing, in §1001.80;

- Amending the rules of evidence to explicitly allow the admission of an arresting officers narrative investigative report at implied consent hearings conducted by the Department, even when the officer fails to appear in response to a subpoena issued by the Department (§1001.100(d));
- Shorten the period of time within which an out-of-state petitioner must provide the information required by the rules of the Secretary of State in order to obtain driving relief. The time frame currently in effect (90 days) has proven to be too long. (§1001.100(n)(6));
- The Department is considering sending notices of hearing and final orders entered after a hearing by electronic mail; This practice would require the amendment of the rule on Orders (§1001.110(d)) – to add notification by electronic transmission;
- Add a provision to the rules on Safety Responsibility hearings (at 92 IAC §1001.220(j)), which will specify how people who were not parties to a hearing may obtain a copy of the record of a hearing. This procedure will be consistent with the Freedom of Information Act;
- In §1001.300(b)(3) of 92 IAC, clarify/specify that an informal hearing cannot consider a petition for driving relief when the petitioner has a record of multiple DUI dispositions;
- In §1001.300(b)(4) of 92 IAC, clarify/specify that an information hearing cannot consider a petition for driving relief when the open revocation was entered pursuant to the rules of the Secretary of State at 92 Ill. Adm. Code §1040.35;
- Amend §1001.300(c)(3) of 92 IAC to specify the offenses which preclude the continuation/renewal of a permit at an informal hearing;
- Revising the definition of "alcohol" in §1001.410 to include the alcohol used in prescribed and over-the-counter medications. There is some evidence, currently being gathered by the BAIID Unit, that some BAIID permittees may be substituting medications for alcoholic beverages. Other definitions will also be amended, as follows: "Abstinence", to account for the use of medications with ethyl alcohol as an ingredient; and "Alcohol and drug evaluation (Investigative)", to broaden the scope of its applications;
- Create new definitions, as follows:

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JULY 2006 REGULATORY AGENDA

- "Alcohol/drug-related criminal record". This class of offense must now be considered in the evaluation and decision-making process, in amendments to §§1001.420(e), .430(c), and .440(a)(4);
- "Boating under the influence" and "Snowmobiling under the influence". These offenses must now be considered in the evaluation and decision-making process, in amendments to §§1001.420(e) and (m), .430(c), and .550(a)(4);
- "Treatment Needs Assessment". This rulemaking will specify when a TNA is required. See §1001.440(b)(7);
- Amend §1001.420(k) of IAC to make it consistent with a recent revision of the IVC (see P.A. 94-473);
- Amend §1001.430(m), .430(d), and .440(b)(5) to specify that an updated evaluation is required when rehabilitative activity is recommended in an investigative evaluation;
- Amend §1001.430(g) to conform to P.A. 94-473, which pertains to the eligibility of new residents for driving relief;
- Strike the rule which requires a petitioner who has been issued a restricted driving permit to drive on the permit for 75% of its length before applying for reinstatement (§1001.430(i));
- Clarify the rule on when a petitioner may take a driver risk education course in a state other than Illinois (§1001.440(a)(1));
- Amend various subparagraphs in subsection (b) of §1001.440 to reflect the change in the name of the agency formerly known as the Department of Professional regulation to the Department of Financial and Professional Regulation;
- Clarify the rule on composition of updated evaluations by treatment providers. The question has arisen whether a treatment provider can compose an updated evaluation after the transfer of a petitioner's treatment file. We may also expand upon the circumstances under which a transfer will be accepted (§1001.440(a)(6)(A));
- The Department's rule on Uniform Reports or original evaluations was recently amended to require that a chronological alcohol/drug use history be included or attached as part of the evaluation. We intend to extend this requirement to Investigative Evaluations (§1001.440(a)(4) and .440(a)(6)(D));

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- We will add a new subparagraph, at 1001.440(a)(6)(E), to specify/clarify when an investigative evaluation must be updated;
- Propose a definition of a "Treatment Needs Assessment" in §1001.410 of 92 IAC and, in §.440(b), clarify/codify the circumstances when a TNA is required to be provided by a treatment provider. A TNA is a statement from the treatment provider, which assesses a petitioner's current need for treatment for alcohol/drug abuse;
- We will reconsider the rule which states that participation in internet AA meetings will not be accepted as a substitute for the attendance of such meetings in person (§1001.440(h));
- We will amend the rule on what information is required to verify treatment for alcohol/drug abuse, by specifying that the failure to submit this information on the form published by the Department of administrative Hearings is not a sufficient basis, in and of itself, to deny driving relief. See §1001.440(m);
- Somewhere in §1001.441, we must state a policy on how we will process violations of the BAIID program which are revealed by monitor reports that are received after a BAIID permittee has been reinstated;
- Clarify the consequence of failing to have the interlock device installed in one's vehicle in the time allowed, in §1001.441(g);
- Amend §1001.441(i)(6) of 92 IAC to provide that the BAIID Unit must ask for a letter of explanation before it can seek the cancellation of a BAIID permittee for tampering with his/her interlock device;
- Section 1001.443 of 92 IAC may undergo substantial revision if the federal law which mandates the use of an interlock device for 12 months on all vehicles owned by a multiple offender is changed. If the 12-month rule is not changed, then we will amend our rules to provide for the use of the interlock device for 365 days, rather than 12 months. This is due to the fact that some BAIID multiple offenders have removed the device during the twelfth month of their requirement, rather than serving the full 12 consecutive months. Second, subsection (b)(2) will be amended to state that the 12 months begins with the certification that an interlock device has been installed on the first vehicle listed by the offender;
- Clarify the circumstances under which (and what) sanctions are imposed pursuant to the BAIID multiple offender program in §1001.443(c) and (d). We will no longer require petitioners to certify

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JULY 2006 REGULATORY AGENDA

that they have installed a interlock device in all of the vehicles they own, as this can be done more efficiently by the BAIID Unit;

- Remove the limitation on applying for a formal hearing once every four (4) months (§1001.450(a));
- Clarify the source of our authority to conduct the zero tolerance implied consent hearings, in §1001.600;
- Add a requirement that one who applies for a restricted driving permit pursuant to §11-501.8(e) of the IVC (after a "zero tolerance suspension), must submit a copy of the ZT sworn report to the informal hearing officer (§1001.670);
- Clarify when a ZT petitioner must submit an alcohol/drug use evaluation with his/her petition for a restricted driving permit. See §1001.670(a)(1).

- B) Statutory Authority: 625 ILCS 5/2-104
- C) Scheduled Meeting/Hearing Dates: None
- D) Date the Agency Anticipates First Notice: Summer 2006
- E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: We do not anticipate any impact on small businesses.
- F) Agency Contact Person for Information:

Illinois Secretary of State
Administrative Hearings
Marc Christopher Loro
Legal Advisor
200 Howlett Building
Springfield, IL 62756
217-785-8245 Fax 217-782-2192
mloro@ilsos.net

- G) Related Rulemaking and Other Pertinent Information: None

t) Part (Heading and Code Citation): Sale of Information (92 Ill. Adm. Code 1002.60)

1) Rulemaking:

- A) Description of Rule(s): Contracts that are signed when a commercial

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entity purchases Secretary of State data. This amendment, in accordance with statute, will restrict how commercial entities may sell or re-disclose Secretary of State data.

- B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/2-123
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: July 2006
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:

Illinois Secretary of State
Office of the General Counsel
Irene Lyons, General Counsel
100 West Randolph Street
Suite 5-400
Chicago, IL 60601
312-814-8144 Fax 312-814-5958
ilyons@ilsos.net

- G) Related Rulemakings and Other Pertinent Information: None

u) Part (Heading and Code Citation): Regulations Under Illinois Business Brokers Act of 1995 (14 Ill. Adm. Code 140)

1) Rulemaking:

- A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments and federal laws and regulations as necessary.
- B) Statutory Authority: Illinois Business Broker Act, 815 ILCS 307/10-1.
- C) Scheduled Meeting/Hearing Dates: None
- D) Date the Agency Anticipates First Notice: Unknown.
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown
- F) Agency Contact Person for Information:

SECRETARY OF STATE

JULY 2006 REGULATORY AGENDA

Tanya Solov, Director
Illinois Securities Dept.
69 W. Washington St.
Suite 1220
Chicago, IL 60602
312 793-3384 Fax 312-793-3912
tsolov@ilsos.net

Vickie Moseley
Illinois Securities Dept
Jefferson Terrace 300A
300 W. Jefferson St.
Springfield, IL 62702
217-782-2256 Fax 217-782-8876
vmoseley@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

v) Part (Heading and Code Citation): Regulations Under Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)

1) Rulemaking:

A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments. Update and draft rules to implement NASD changes to branch office reporting. Amend rules to conform with federal legislative enactments.

B) Statutory Authority: Illinois Securities Law of 1953, 815 ILCS 5/1.

C) Schedule Meeting/Hearing Dates: None

D) Date the Agency Anticipates First Notice: Unknown

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown

F) Agency Contact Person for Information:

Tanya Solov, Director
Illinois Securities Dept.
69 W. Washington St.
Suite 1220
Chicago, IL 60602
312 793-3384 Fax 312-793-3912
tsolov@ilsos.net

Vickie Moseley
Illinois Securities Dept
Jefferson Terrace 300A
300 W. Jefferson St.
Springfield, IL 62702
217-782-2256 Fax 217-782-8876
vmoseley@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

SECRETARY OF STATE

JULY 2006 REGULATORY AGENDA

- w) Part (Heading and Code Citation): Regulations Under Illinois Business Opportunities Sales Law of 1995 (14 Ill. Adm. Code 135)
- 1) Rulemaking:
- Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments and federal laws and regulations as necessary.
- Statutory Authority: Illinois Business Opportunities Sales Law of 1995, 815 ILCS 602/5-1.
- Scheduled Meeting/Hearing Dates: None
- Date the Agency Anticipates First Notice: Unknown
- Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown
- Agency Contact Person for Information:
- | | |
|--|--|
| Tanya Solov, Director
Illinois Securities Dept.
69 W. Washington St.
Suite 1220
Chicago, IL 60602
312 793-3384 Fax 312-793-3912
tsolov@ilsos.net | Vickie Moseley
Illinois Securities Dept
Jefferson Terrace 300A
300 W. Jefferson St.
Springfield, IL 62702
217-782-2256 Fax 217-782-8876
vmoseley@ilsos.net |
|--|--|
- Related Rulemaking and Other Pertinent Information: None
- x) Part (Heading and Code Citation): Regulations Under Illinois Loan Brokers Act of 1995 (14 Ill. Adm. Code 145).
- 1) Rulemaking:
- A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative changes and federal laws and regulations as necessary.
- B) Statutory Authority: Illinois Loan Brokers Act of 1995, 815 ILCS 175/15-1.
- C) Scheduled Meeting/Hearing Dates: None

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JULY 2006 REGULATORY AGENDA

- D) Date the Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations:
Unknown
- F) Agency Contact Person for Information:
- | | |
|--|--|
| Tanya Solov, Director | Vickie Moseley |
| Illinois Securities Dept. | Illinois Securities Dept |
| 69 W. Washington St. | Jefferson Terrace 300A |
| Suite 1220 | 300 W. Jefferson St. |
| Chicago, IL 60602 | Springfield, IL 62702 |
| 312 793-3384 Fax 312-793-3912 | 217-782-2256 Fax 217-782-8876 |
| tsolov@ilsos.net | vmoseley@ilsos.net |
- G) Related Rulemaking and Other Pertinent Information: None

ILLINOIS WORKERS' COMPENSATION COMMISSION

JULY 2006 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Pre-arbitration, 50 Ill. Adm. Code 7020 and Review, 50 Ill. Adm. Code 7040
- 1) Rulemaking:
- A) Description: The rulemaking would amend the Commission's arbitration and review procedures, including procedures relating to expedited hearings under Section 19(b) of the Workers' Compensation Act.
- B) Statutory Authority: 820 ILCS 305/16 and 19
- C) Scheduled meeting/hearing dates: No dates have been set.
- D) Date agency anticipates First Notice: No date has been set.
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Kathryn A. Kelley
Address: 100 West Randolph, Suite 8-272, Chicago, IL 60601
Telephone: 312/814-6559
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Arbitration, 50 Ill. Adm. Code 7030
- 1) Rulemaking:
- A) Description: The rulemaking would amend the Commission's arbitration procedures, including procedures relating to requesting arbitration decisions which include findings of fact and conclusions of law under Section 19(b) of the Workers' Compensation Act.
- B) Statutory Authority: 820 ILCS 305/16 and 19
- C) Scheduled meeting/hearing dates: No dates have been set.
- D) Date agency anticipates First Notice: No date has been set.

ILLINOIS WORKERS' COMPENSATION COMMISSION

JULY 2006 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Kathryn A. Kelley
Address: 100 West Randolph, Suite 8-272, Chicago, IL 60601
Telephone: 312/814-6559
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Miscellaneous, 50 Ill. Adm. Code 7110
- 1) Rulemaking:
- A) Description: The rulemaking would amend the Commission's workers' compensation medical fee schedule and procedures and establish requirements for certification of vocational rehabilitation counselors in accordance with Section 8(a) of the Act.
- B) Statutory Authority: 820 ILCS 305/8(a), 8.2, 16 and 19
- C) Scheduled meeting/hearing dates: No dates have been set.
- D) Date agency anticipates First Notice: No dates have been set.
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Kathryn A. Kelley
Address: 100 West Randolph, Suite 8-272, Chicago, IL 60601
Telephone: 312/814-6559
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Insurance Regulations, 50 Ill. Adm. Code 7100

ILLINOIS WORKERS' COMPENSATION COMMISSION

JULY 2006 REGULATORY AGENDA

1) Rulemaking:

- A) Description: The rulemaking would amend the Commission's insurance procedures, including procedures relating to insurance compliance under Section 4 of the Workers' Compensation Act.
- B) Statutory Authority: 820 ILCS 305/4, 16 and 19
- C) Scheduled meeting/hearing dates: No dates have been set.
- D) Date agency anticipates First Notice: No date has been set.
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Kathryn A. Kelley
Address: 100 West Randolph, Suite 8-272, Chicago, IL 60601
Telephone: 312/814-6559
- G) Related rulemakings and other pertinent information: None

STATE BOARD OF ELECTIONS

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Approval of Voting Systems
- 2) Code Citation: 26 Ill. Adm. Code 204
- 3)

<u>Section Numbers</u>	<u>Proposed Action</u> :
204.10	Amend
204.20	Amend
204.30	Repealed
204.40	Amend
204.45	New Section
204.50	Amend
204.60	Amend
204.70	Amend
204.95	New Section
204.160	Repealed
204.180	Amend
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: 29 Ill Reg. 13939; September 16, 2005.
- 5) Reason for the Withdrawal: After reviewing PA 94-645 (HB 1968), effective August 22, 2005, and SB 1445, the SBE has discovered this legislation addresses major changes in the voting system articles of the Election Code. Some of these changes have a substantial impact on the current proposed rulemaking amendment; for example, the definition of "audit trail" and "computer program" have significantly changed, and other changes have been made with regard to communication ports on computers, the cost of testing and vendor contract prohibitions. These changes will necessitate additional amendments.

This proposed rulemaking will expire on September 16, 2006; therefore, the SBE would like to withdraw this rulemaking and resubmit an amended rulemaking following the November general election that includes the recent legislative changes, as well as the suggested changes proposed in public comment and by JCAR that the SBE has agreed to include.

DEPARTMENT OF HUMAN SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE OBJECTION TO PROPOSED
RULEMAKING

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Register Citation: 29 Ill. Reg. 16344; October 28, 2005
- 4) Agency Response to Specific Joint Committee Objection: At its meeting on March 14, 2006, the Joint Committee on Administrative Rules objected to the Department of Human Services above-cited rulemaking because DHS failed to adopt a previous proposed rulemaking (28 Ill. Reg. 15295) while allowing the matching emergency rule (28 Ill. Reg. 15323) to expire, resulting in DHS utilizing a higher utility standard allowance than is currently established in rule.

The Department of Human Services has reviewed the objection from the Joint Committee on Administrative Rules regarding the above-cited proposed rulemaking. The Department will make every attempt to adopt permanent rulemakings prior to the expiration of the emergency rule in future rulemakings.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Illinois Savings and Loan Act of 1985
- 2) Code Citation: 38 Ill. Adm. Code 1000
- 3) Illinois Register citation to Notice of Proposed Amendments: 30 Ill. Reg. 10694;
June 23, 2006
- 4) The Information being corrected is as follows: Under Item 3 on the Notice Page,
Section Number 1000.1500 should be Section Number 1000.1550.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JULY 11, 2006

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

Email: jcar@ilga.gov

Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR

Agriculture

1. Livestock Auction Markets (8 Ill. Adm. Code 40)
 - First Notice Published: 30 Ill. Reg. 713 – 1/20/06
 - Expiration of Second Notice: 7/22/06
2. Diseased Animals (8 Ill. Adm. Code 85)
 - First Notice Published: 30 Ill. Reg. 737 – 1/20/06
 - Expiration of Second Notice: 7/22/06
3. Animal Welfare Act (8 Ill. Adm. Code 25)
 - First Notice Published: 30 Ill. Reg. 704 – 1/20/06
 - Expiration of Second Notice: 7/22/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

Central Management Services

4. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 30 Ill. Reg. 6444 – 4/21/06
 - Expiration of Second Notice: 7/29/06
5. Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 29 Ill. Reg. 15678 – 10/21/05
 - Expiration of Second Notice: 8/8/06
6. Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 30 Ill. Reg. 4203 – 3/17/06
 - Expiration of Second Notice: 8/15/06

Children and Family Services

7. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)
 - First Notice Published: 29 Ill. Reg. 18180 – 11/14/05
 - Expiration of Second Notice: 7/30/06
8. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)
 - First Notice Published: 29 Ill. Reg. 18207 – 11/14/05
 - Expiration of Second Notice: 7/30/06

Environmental Protection Agency

9. Procedures for Issuing Loans From the Water Pollution Control Revolving Fund (35 Ill. Adm. Code 365)
 - First Notice Published: 30 Ill. Reg. 2002 – 2/17/06
 - Expiration of Second Notice: 7/19/06

Financial and Professional Regulation

10. Consumer Installment Loan Act (38 Ill. Adm. Code 110)
 - First Notice Published: 30 Ill. Reg. 2449 – 2/24/06
 - Expiration of Second Notice: 8/3/06
11. Ceded Reinsurance of Property and Liability Insurers (Repealer) (50 Ill. Adm. Code 923)
 - First Notice Published: 29 Ill. Reg. 15381 – 10/14/05
 - Expiration of Second Notice: 7/27/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

12. Payment of Annual Compliance Fees for Pension Funds (50 Ill. Adm. Code 4415)
 - First Notice Published: 30 Ill. Reg. 2456 – 2/24/06
 - Expiration of Second Notice: 8/3/06
13. Respiratory Care Practice Act (68 Ill. Adm. Code 1456)
 - First Notice Published: 30 Ill. Reg. 6059 – 4/7/06
 - Expiration of Second Notice: 7/16/06

Healthcare and Family Services

14. Child Support Enforcement (89 Ill. Adm. Code 160)
 - First Notice Published: 30 Ill. Reg. 4579 – 3/17/06
 - Expiration of Second Notice: 8/5/06

Health Facilities Planning Board

15. Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130)
 - First Notice Published: 29 Ill. Reg. 16173 – 10/28/05
 - Expiration of Second Notice: 7/22/06
16. Public Hearing and Comment Procedures (Repealer) (77 Ill. Adm. Code 1140)
 - First Notice Published: 29 Ill. Reg. 16294 – 10/28/05
 - Expiration of Second Notice Period: 7/27/06
17. Practice and Procedure in Administrative Hearings (Repealer) (77 Ill. Adm. Code 1180)
 - First Notice Published: 29 Ill. Reg. 16304 – 10/28/05
 - Expiration of Second Notice: 7/27/06
18. Permit Application Fees (Repealer) (77 Ill. Adm. Code 1190)
 - First Notice Published: 29 Ill. Reg. 16322 – 10/28/05
 - Expiration of Second Notice: 7/27/06

Human Rights

19. Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)
 - First Notice Published: 30 Ill. Reg. 6653 – 4/21/06
 - Expiration of Second Notice: 8/4/06

Revenue

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

20. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 30 Ill. Reg. 6303 – 4/14/06
-Expiration of Second Notice: 7/15/06

Transportation

21. Airport Hazard Zoning (92 Ill. Adm. Code 16)
-First Notice Published: 30 Ill. Reg. 8127 – 5/5/06
-Expiration of Second Notice: 8/3/06
22. Benton Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 20)
-First Notice Published: 30 Ill. Reg. 8133 – 5/5/06
-Expiration of Second Notice: 8/3/06
23. Cairo Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 25)
-First Notice Published: 30 Ill. Reg. 8152 – 5/5/06
-Expiration of Second Notice: 8/3/06
24. Coles County Memorial Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 32)
-First Notice Published: 30 Ill. Reg. 8174 – 5/5/06
-Expiration of Second Notice: 8/3/06
25. Decatur Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 34)
-First Notice Published: 30 Ill. Reg. 8193 – 5/5/06
-Expiration of Second Notice: 8/3/06
26. DeKalb Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 36)
-First Notice Published: 30 Ill. Reg. 8212 – 5/5/06
-Expiration of Second Notice: 8/3/06
27. DuPage Airport Hazard Zoning (Repealer) (92 Ill. Adm. Code 37)
-First Notice Published: 30 Ill. Reg. 8231 – 5/5/06
-Expiration of Second Notice: 8/3/06
28. Edgar County Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 38)
-First Notice Published: 30 Ill. Reg. 8254 – 5/5/06
-Expiration of Second Notice: 8/3/06
29. Ingersoll Municipal Airport Hazard Zoning (Repealer) (92 Ill. Adm. Code 50)
-First Notice Published: 30 Ill. Reg. 8273 – 5/5/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

-Expiration of Second Notice: 8/3/06

30. Jacksonville Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 52)
-First Notice Published: 30 Ill. Reg. 8296 – 5/5/06
-Expiration of Second Notice: 8/3/06
31. Kewanee Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 54)
-First Notice Published: 30 Ill. Reg. 8315 – 5/5/06
-Expiration of Second Notice: 8/3/06
32. Lewis University Airport Hazard Zoning (Repealer) (92 Ill. Adm. Code 57)
-First Notice Published: 30 Ill. Reg. 8334 – 5/5/06
-Expiration of Second Notice: 8/3/06
33. Williamson County Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 94)
-First Notice Published: 30 Ill. Reg. 8357 – 5/5/06
-Expiration of Second Notice: 8/3/06
34. Illinois Valley Regional Airport Hazard Zoning (Repealer) (92 Ill. Adm. Code 95)
-First Notice Published: 30 Ill. Reg. 8376 – 5/5/06
-Expiration of Second Notice: 8/3/06
35. Control of Outdoor Advertising Adjacent to Primary and Interstate Highways (92 Ill. Adm. Code 522)
-First Notice Published: 30 Ill. Reg. 6125 – 4/7/06
-Expiration of Second Notice: 7/13/06

EMERGENCY RULEMAKINGS

Aging

36. Community Care Program (89 Ill. Adm. Code 240)
-Notice Published: 30 Ill. Reg. 10117 – 6/2/06

Capital Development Board

37. Bonding Guidelines (71 Ill. Adm. Code 50)
-Notice Published: 30 Ill. Reg. 12397 – 6/30/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

PEREMPTORY RULEMAKINGSCentral Management Services

- 38. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 30 Ill. Reg. 10153 – 6/2/06
- 39. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 30 Ill. Reg. 10508 – 6/9/06

AGENCY RESPONSESEducation

- 40. School Food Service (23 Ill. Adm. Code 305; 30 Ill. Reg. 86)

Financial and Professional Regulation

- 41. Real Estate License Act of 2000 (68 Ill. Adm. Code 1450; 29 Ill. Reg. 17959)

Human Services

- 42. Crisis Assistance (89 Ill. Adm. Code 116; 30 Ill. Reg. 1907) (Emergency)
- 43. Food Stamps (89 Ill. Adm. Code 121; 29 Ill. Reg. 16344)

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 June 20, 2006 through June 26, 2006 and have been scheduled for review by the Committee at its July 11, 2006 or August 8, 2006 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
8/3/06	<u>Department of Financial and Professional Regulation – Division of Insurance, Payment of Annual Compliance Fees for Pension Funds (50 Ill. Adm. Code 4415)</u>	2/24/06 30 Ill. Reg. 2456	7/11/06
8/3/06	<u>Department of Transportation, Airport Hazard Zoning (92 Ill. Adm. Code 16)</u>	5/5/06 30 Ill. Reg. 8127	7/11/06
8/3/06	<u>Department of Transportation, Benton Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 20)</u>	5/5/06 30 Ill. Reg. 8133	7/11/06
8/3/06	<u>Department of Transportation, Cairo Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 25)</u>	5/5/06 30 Ill. Reg. 8152	7/11/06
8/3/06	<u>Department of Transportation, Coles County Memorial Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 32)</u>	5/5/06 30 Ill. Reg. 8174	7/11/06
8/3/06	<u>Department of Transportation, Decatur Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 34)</u>	5/5/06 30 Ill. Reg. 8193	7/11/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/3/06	<u>Department of Transportation</u> , DeKalb Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 36)	5/5/06 30 Ill. Reg. 8212	7/11/06
8/3/06	<u>Department of Transportation</u> , DuPage Airport Hazard Zoning (Repealer) (92 Ill. Adm. Code 37)	5/5/06 30 Ill. Reg. 8231	7/11/06
8/3/06	<u>Department of Transportation</u> , Edgar County Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 38)	5/5/06 30 Ill. Reg. 8254	7/11/06
8/3/06	<u>Department of Transportation</u> , Ingersoll Municipal Airport Hazard Zoning (Repealer) (92 Ill. Adm. Code 50)	5/5/06 30 Ill. Reg. 8273	7/11/06
8/3/06	<u>Department of Transportation</u> , Jacksonville Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 52)	5/5/06 30 Ill. Reg. 8296	7/11/06
8/3/06	<u>Department of Transportation</u> , Kewanee Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 54)	5/5/06 30 Ill. Reg. 8315	7/11/06
8/3/06	<u>Department of Transportation</u> , Lewis University Airport Hazard Zoning (Repealer) (92 Ill. Adm. Code 57)	5/5/06 30 Ill. Reg. 8334	7/11/06
8/3/06	<u>Department of Transportation</u> , Williamson County Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 94)	5/5/06 30 Ill. Reg. 8357	7/11/06
8/3/06	<u>Department of Transportation</u> , Illinois Valley Regional Airport Hazard Zoning (Repealer) (92 Ill. Adm. Code 95)	5/5/06 30 Ill. Reg. 8376	7/11/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/3/06	<u>Department of Financial and Professional Regulation – Division of Financial Institutions</u> , Consumer Installment Loan Act (38 Ill. Adm. Code 110)	2/24/06 30 Ill. Reg. 2449	7/11/06
8/4/06	<u>Department of Human Rights</u> , Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)	4/21/06 30 Ill. Reg. 6653	7/11/06
8/5/06	<u>Department of Healthcare and Family Services</u> , Child Support Enforcement (89 Ill. Adm. Code 160)	3/17/06 30 Ill. Reg. 4579	7/11/06
8/9/06	<u>Department of Public Health</u> , Control of Communicable Diseases Code (77 Ill. Adm. Code 690)	8/26/05 29 Ill. Reg. 13196	8/8/06
8/9/06	<u>Illinois Racing Board</u> , Match Rival (11 Ill. Adm. Code 315)	5/5/06 30 Ill. Reg. 8108	8/8/06
8/9/06	<u>Illinois Racing Board</u> , Exacta Double (11 Ill. Adm. Code 320)	5/5/06 30 Ill. Reg. 8114	8/8/06
8/9/06	<u>Illinois Racing Board</u> , WPS Pick(n) (11 Ill. Adm. Code 323)	5/5/06 30 Ill. Reg. 8119	8/8/06

PROCLAMATIONS

2006-221**AFRICAN/CARIBBEAN INTERNATIONAL FESTIVAL OF LIFE DAYS**

WHEREAS, just as the landscapes of America and Illinois are eclectic, so too are its people; and

WHEREAS, our democratic institutions have demonstrated that diverse peoples can pursue their dreams while living together peacefully and building strong communities; and

WHEREAS, this year, Martin's International Culture, Inc., its affiliate Martin's Inter-Culture, and several sponsors will host African/Caribbean International Festival of Life Days in Illinois from June 30 to July 4 in Chicago to bring Americans of different cultures, ethnicities, and nationalities together in celebration of diversity and to promote peace and unity; and

WHEREAS, the African/Caribbean Festival will feature a variety of music, including blues, calypso, gospel, highlife, hip-hop, pop, rap, rock, reggae, rhythm and blues, salsa, and spoken words; and

WHEREAS, the African/Caribbean Festival will also feature exhibitors from around the country who will showcase an assortment of cultural attire, crafts, and food from Africa and the Caribbean:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 30 – July 4, 2006 as **AFRICAN/CARIBBEAN INTERNATIONAL FESTIVAL OF LIFE DAYS** in Illinois in support of African/Caribbean Days and in tribute to American multiculturalism.

Issued by the Governor on June 20, 2006.

Filed by the Secretary of State June 20, 2006.

2006-222**KIDNEY CANCER AWARENESS MONTH**

WHEREAS, each year more than 36,000 people in the United States are diagnosed with Kidney cancer, and more than 100,000 kidney cancer survivors are currently living throughout the U.S.; and

WHEREAS, the exact cause of kidney cancer is still unknown; and

PROCLAMATIONS

WHEREAS, kidney cancer occurs nearly twice as often in men as in women, and it mostly occurs in men over 40 years old; and

WHEREAS, the American Cancer Society predicts that in 2006 there will be about 38,890 new cases of kidney cancer in the U.S., and 12,840 people will die from the disease; and

WHEREAS, signs and symptoms of kidney cancer may include: blood in the urine; low back pain on one side (not from an injury); a mass or lump in the belly; tiredness; weight loss (if you are not trying to lose weight); fever that does not go away after a few weeks and that is not from a cold, the flu, or other infection; and swelling of ankles and legs. A doctor should be consulted if any of these problems are occurring; and

WHEREAS, other than surgery, the most commonly used treatments for kidney cancer are immunotherapy, radiation, and chemotherapy; and

WHEREAS, breakthroughs in research over the last year have given renewed hope to patients who previously had few treatment options:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2006 as **KIDNEY CANCER AWARENESS MONTH** in Illinois to raise awareness of kidney cancer, and encourage all citizens to be extra cognizant of the symptoms and causes of this disease, so that we can continue to strive toward more effective treatments.

Issued by the Governor on June 20, 2006.

Filed by the Secretary of State June 20, 2006.

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 30, Issue 27 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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