

2008

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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TABLE OF CONTENTS

October 17, 2008 Volume 32, Issue 42

PROPOSED RULES

| | |
|--|-------|
| CHILDREN AND FAMILY SERVICES, DEPARTMENT OF | |
| Department of Children and Family Services Scholarship Program | |
| 89 Ill. Adm. Code 312 | 16656 |
| ENVIRONMENTAL PROTECTION AGENCY | |
| Procedures for Operation of the Potentially Infectious Medical Waste | |
| Transporter Fee System | |
| 35 Ill. Adm. Code 1450 | 16662 |
| HUMAN RIGHTS COMMISSION, ILLINOIS | |
| Joint Rules of the Department of Human Rights and the Human Rights | |
| Commission: Handicap Discrimination in Employment | |
| 56 Ill. Adm. Code 5200 | 16672 |
| HUMAN RIGHTS, DEPARTMENT OF | |
| Joint Rules of the Department of Human Rights and the Human Rights | |
| Commission: Handicap Discrimination in Employment | |
| 56 Ill. Adm. Code 2500 | 16674 |
| REVENUE, DEPARTMENT OF | |
| Income Tax | |
| 86 Ill. Adm. Code 100 | 16682 |
| SEX OFFENDER MANAGEMENT BOARD | |
| Sex Offender Evaluation and Treatment | |
| 20 Ill. Adm. Code 1905 | 16704 |
| Juvenile Sex Offender Evaluation and Treatment | |
| 20 Ill. Adm. Code 1910 | 16712 |
| TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS | |
| The Administration and Operation of the Teachers' Retirement System | |
| 80 Ill. Adm. Code 1650 | 16750 |

ADOPTED RULES

| | |
|---|-------|
| EMERGENCY MANAGEMENT AGENCY, ILLINOIS | |
| Registration and Reporting Requirements for Radiation Machine Service | |
| Providers | |
| 32 Ill. Adm. Code 322 | 16759 |
| Licensing Requirements for Source Material Milling Facilities | |
| 32 Ill. Adm. Code 332 | 16765 |
| HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF | |
| Practice in Administrative Hearings | |
| 89 Ill. Adm. Code 104 | 16797 |
| Child Support Enforcement | |
| 89 Ill. Adm. Code 160 | 16805 |
| OFFICE OF THE STATE FIRE MARSHAL | |

| | |
|---|-------|
| Storage, Transportation, Sale and Use of Liquefied Petroleum Gas 41 Ill. Adm. Code 200 | 16850 |
| Fire Equipment Distributor and Employee Standards 41 Ill. Adm. Code 251 | 16860 |
| PROPERTY TAX APPEAL BOARD | |
| Practice and Procedure for Appeals Before the Property Tax Appeal Board 86 Ill. Adm. Code 1910 | 16864 |
| PEREMPTORY RULES | |
| CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF | |
| Pay Plan 80 Ill. Adm. Code 310 | 16872 |
| HUMAN SERVICES, DEPARTMENT OF | |
| Food Stamps 89 Ill. Adm. Code 121 | 16905 |
| REQUEST FOR EXPEDITED CORRECTION | |
| EMPLOYMENT SECURITY, DEPARTMENT OF | |
| Payment of Benefits 56 Ill. Adm. Code 2830 | 16932 |
| NOTICE OF AGENCY RESPONSE TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES | |
| STATE BOARD OF EDUCATION | |
| Public Schools Evaluation, Recognition and Supervision 23 Ill. Adm. Code 1 | 16935 |
| SECOND NOTICES RECEIVED | |
| JOINT COMMITTEE ON ADMINISTRATIVE RULES | |
| Second Notices Received | 16937 |
| EXECUTIVE ORDERS AND PROCLAMATIONS | |
| PROCLAMATIONS | |
| Childhood Lead Poisoning Prevention Week 2008-390 | 16938 |
| A Day of Remembrance of Eton R. Wilson 2008-391 | 16939 |
| Methamphetamine Awareness Day 2008-392 | 16940 |
| Fire Prevention Week 2008-393 | 16941 |
| Domestic Violence Awareness Month 2008-394 | 16942 |
| Diversity Employment Day 2008-395 | 16943 |
| School Psychology Awareness Week 2008-396 | 16944 |
| International Credit Union Day 2008-397 | 16945 |

| | |
|-----------------------------------|-------|
| Officer Nathaniel Taylor, Jr. | |
| 2008-398 | 16946 |
| National Career Development Month | |
| 2008-399 | 16947 |
| Affordable Housing Month | |
| 2008-400 | 16947 |
| Vive La Hispanidad Day | |
| 2008-401 | 16948 |
| Dawn Harper Day | |
| 2008-402 | 16949 |

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

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

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

2008 REGISTER SCHEDULE VOLUME #32

| <u>Issue #</u> | <u>Rules Due Date</u> | <u>Date of Issue</u> |
|----------------|-----------------------|----------------------|
| 1 | December 21, 2007* | January 4, 2008 |
| 2 | December 31, 2007 | January 11, 2008 |
| 3 | January 7, 2008 | January 18, 2008 |
| 4 | January 14, 2008 | January 25, 2008 |
| 5 | January 22, 2008 | February 1, 2008 |
| 6 | January 28, 2008 | February 8, 2008 |
| 7 | February 4, 2008 | February 15, 2008 |
| 8 | February 11, 2008 | February 22, 2008 |
| 9 | February 19, 2008 | February 29, 2008 |
| 10 | February 25, 2008 | March 7, 2008 |
| 11 | March 3, 2008 | March 14, 2008 |
| 12 | March 10, 2008 | March 21, 2008 |
| 13 | March 17, 2008 | March 28, 2008 |
| 14 | March 24, 2008 | April 4, 2008 |
| 15 | March 31, 2008 | April 11, 2008 |
| 16 | April 7, 2008 | April 18, 2008 |
| 17 | April 14, 2008 | April 25, 2008 |
| 18 | April 21, 2008 | May 2, 2008 |
| 19 | April 28, 2008 | May 9, 2008 |
| 20 | May 5, 2008 | May 16, 2008 |
| 21 | May 12, 2008 | May 23, 2008 |
| 22 | May 19, 2008 | May 30, 2008 |
| 23 | May 27, 2008 | June 6, 2008 |

| | | |
|----|--------------------|--------------------|
| 24 | June 2, 2008 | June 13, 2008 |
| 25 | June 9, 2008 | June 20, 2008 |
| 26 | June 16, 2008 | June 27, 2008 |
| 27 | June 23, 2008 | July 7, 2008 |
| 28 | June 30, 2008 | July 11, 2008 |
| 29 | July 7, 2008 | July 18, 2008 |
| 30 | July 14, 2008 | July 25, 2008 |
| 31 | July 21, 2008 | August 1, 2008 |
| 32 | July 28, 2008 | August 8, 2008 |
| 33 | August 4, 2008 | August 15, 2008 |
| 34 | August 11, 2008 | August 22, 2008 |
| 35 | August 18, 2008 | August 29, 2008 |
| 36 | August 25, 2008 | September 5, 2008 |
| 37 | September 2, 2008 | September 12, 2008 |
| 38 | September 8, 2008 | September 19, 2008 |
| 39 | September 15, 2008 | September 26, 2008 |
| 40 | September 22, 2008 | October 3, 2008 |
| 41 | September 29, 2008 | October 10, 2008 |
| 42 | October 6, 2008 | October 17, 2008 |
| 43 | October 14, 2008 | October 24, 2008 |
| 44 | October 20, 2008 | October 31, 2008 |
| 45 | October 27, 2008 | November 7, 2008 |
| 46 | November 3, 2008 | November 14, 2008 |
| 47 | November 10, 2008 | November 21, 2008 |
| 48 | November 17, 2008 | December 1, 2008 |
| 49 | November 24, 2008 | December 5, 2008 |
| 50 | December 1, 2008 | December 12, 2008 |
| 51 | December 8, 2008 | December 19, 2008 |
| 52 | December 15, 2008 | December 26, 2008 |
| 53 | December 22, 2008 | January 2, 2009 |

Editor's Note: The second filing period for submitting Regulatory Agendas will start October 14, 2008 with the last day to file being January 2, 2009.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments do not have an economic impact on small business.
- 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) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The proposed amendment to the Section was not anticipated.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 312
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES SCHOLARSHIP PROGRAM

| | |
|---------|--|
| Section | |
| 312.10 | Purpose |
| 312.20 | Definitions |
| 312.30 | Description |
| 312.40 | Eligibility Requirements |
| 312.50 | Application |
| 312.60 | Selection |
| 312.70 | Service Planning and Living Arrangements |
| 312.80 | Ongoing Eligibility Requirements |
| 312.90 | Benefits |
| 312.100 | Discharge from the Scholarship Program |

AUTHORITY: Implementing and authorized by Section 8 of the Children and Family Services Act [20 ILCS 505/8].

SOURCE: Adopted by emergency rulemaking at 20 Ill. Reg. 924, effective December 29, 1995, for a maximum of 150 days; emergency expired May 27, 1996; new Part adopted at 23 Ill. Reg. 6784, effective June 1, 1999; amended at 28 Ill. Reg. 8456, effective June 4, 2004; amended at 32 Ill. Reg. 1144, effective January 30, 2008; amended at 33 Ill. Reg. _____, effective _____.

Section 312.90 Benefits

- a) Tuition and Fee Waiver
The OETS Business Office will request a waiver of tuition and mandatory fees for scholarship youth that attend an Illinois State university or community college if the youth does not have a tuition and/or fee scholarship from another source.
- b) Monthly Grant

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Youth must provide their caseworkers with written verification of their acceptance/enrollment in a college or university and their school address prior to the beginning of their initial semester or quarter. Caseworkers will verify the information and forward it to the OETS Business Office. Youth that no longer have a legal relationship with the Department must forward the information directly to the OETS Business Office. The OETS Business Office will forward payment information to the Central Payment Unit (CPU). Grant payments will be effective the first day the youth is at school and continue throughout the school year. Youth will receive their first payments the following month. The amount will be prorated based on the day of the month the youth was first located at the school.
- 2) Caseworkers must provide youth with an explanation of the financial and security benefits of having their grant checks directly deposited and assist the youth with completing the C-95, Authorization for Deposit of Recurring Payments. Youth who do not choose direct deposit will have their grant checks mailed directly to them. Youth are required to report their address change immediately to the OETS Business Office (5415 N. University, Peoria IL 61615, 309/693-5150, facsimile 309/693-5433) and their caseworker to ensure timely receipt of correspondence and their grant payments.
 - A) Summer ~~Grant Payments~~School
 - i) The OETS will ~~continuediscontinue~~ grant payments through the summer ~~when~~unless the youth is enrolled in summer school and taking a minimum of six college credit hours, or participating in an approved internship program. Youth that choose to continue their education through the summer months must submit an official class schedule or documentation of participation in an approved internship program to the OETS Business Office and their caseworker no later than the first Monday in May ~~so that their grant payments will not be disrupted~~.
 - ii) Youth that choose not to attend summer school or participate in an approved internship program will continue to receive their grant payments through the summer months if the Department has guardianship of the youth or the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Department's guardianship of the youth was terminated at age 21 after the youth entered the scholarship program and the youth has a grade point average of "C" or better, submits requested class schedules, has current contact information on file with OETS, and submits documentation of college or university enrollment for the fall semester to the OETS Business Office no later than June 1.

B) Terminating Payment

- i) When a youth no longer meets the requirements to remain in the DCFS Scholarship Program, the youth's caseworker will notify the OETS Business Office immediately. Youth who are no longer the legal responsibility of the Department shall notify the OETS Business Office when they no longer meet the requirements of the program. The OETS Business Office will notify the CPU of the effective payment termination date for the youth.
- ii) The OETS Business Office will notify the youth in writing 30 days prior to stopping grant payments for any reason other than summer breaks. If the youth has a legal relationship with the Department and resides in Cook County, the Cook County Public Guardian will also receive a copy of the termination notification. Youth may request a review of the decision to suspend or discharge them from the Scholarship Program in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process). If the youth's grant does not continue during the appeals process, it will be issued retroactively if the youth's appeal is successful.

C) Marriage or Termination of Guardianship

Marriage or termination of guardianship does not terminate a Department scholarship. The Department will continue to make monthly grant payments to the youth, and the youth's medical needs will continue to be met under the Medicaid program.

c) Start-Up Grant

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

This is a \$200 one time grant youth will receive upon entrance into the DCFS Scholarship Program. The purpose of the grant is to assist the youth with their initial college living expenses. Youth will receive the Start-Up Grant payment in July.

- d) Medical and Dental Payments
 - 1) Medical and dental services are available to DCFS scholarship youth for whom the Department is legally responsible. Medical and dental services are provided through the Department of Healthcare and Family Services Medical Assistance Program via the DCFS issued medical card.
 - 2) Medical case management services are provided to pregnant and parenting youth and their children, zero to five years of age, through the Department of Human Services.
- e) Mandatory Supplies and Book Payments
The Department may pay for required textbooks and supplies for youth that do not have sufficient resources to purchase the required items.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures for Operation of the Potentially Infectious Medical Waste Transporter Fee System
- 2) Code Citation: 35 Ill. Adm. Code 1450
- 3)

| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 1450.100 | Amendment |
| 1450.101 | Amendment |
| 1450.105 | Amendment |
| 1450.202 | Amendment |
| 1450.300 | Amendment |
| 1450.301 | Amendment |
- 4) Statutory Authority: Section 56.6 of the Environmental Protection Act [415 ILCS 5/56.6]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 93-32, effective June 20, 2003, changed the per pound fee at Section 56.6(a) of the Environmental Protection Act. Thus, a change at Section 1450.300 removes the reference to a specific fee amount and replaces with a generic reference to the fee required by Section 56.6(a) of the Act to avoid updates whenever fee amounts change. Also, in response to an adjusted standard granted by the Illinois Pollution Control Board in AS08-02, at Section 1450.105, language was added allowing the Agency to provide the same change by permit. Minor changes include at Sections 1450.202 and 1450.301, updating the address for payment; at Sections 1450.100(c)(8)-(10), correcting the definition structure was corrected to mirror the statutory language; and at Section 1450.101, adding a statutory reference was added.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 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 incorporation by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not impact local governments.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

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

Stephanie Flowers, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other proposed procedures required for compliance:
None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE M: BIOLOGICAL MATERIALS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 1450

PROCEDURES FOR OPERATION OF THE POTENTIALLY INFECTIOUS
MEDICAL WASTE TRANSPORTER FEE SYSTEM

SUBPART A: GENERAL PROVISIONS

Section

- 1450.100 Definitions
- 1450.101 Applicability
- 1450.102 Exemptions from PIMW Transporter Fee System
- 1450.103 Retention of Records
- 1450.104 Certification of Documents
- 1450.105 Certification of Weight
- 1450.106 Severability

SUBPART B: PROCEDURES FOR MAINTAINING REPORTS

Section

- 1450.200 Daily PIMW Report
- 1450.201 Monthly PIMW Report
- 1450.202 Quarterly PIMW Report
- 1450.203 Supplemental PIMW Report

SUBPART C: PROCEDURES FOR THE PAYMENT OF PIMW TRANSPORTER FEES

Section

- 1450.300 Quarterly Submission of Payment of PIMW Transporter Fee
- 1450.301 Manner of Payment

AUTHORITY: Implementing and authorized by Section 56.6 of the Environmental Protection Act [415 ILCS 5/56.6].

SOURCE: Adopted at 17 Ill. Reg. 20268, effective November 15, 1993; amended at 33 Ill. Reg. _____, effective _____.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 1450.100 Definitions

Except as stated in this Section, the definition of words or terms in this Part shall be the same as those used in the Act.

- a) "Act" means the Environmental Protection Act (~~Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1001 et seq., including P.A. 87-1097, effective September 15, 1992~~) [415 ILCS 5].
- b) "Designated facility" means a facility that treats, stores, transfers or disposes of PIMW.
- c) "*Potentially infectious medical waste*" ~~or ("PIMW")~~—
- 1) *means the following types of waste generated in connection with the diagnosis, treatment (i.e., provision of medical services), or immunization of human beings or animals; research pertaining to the provision of medical services; or the production or testing of biologicals:*
- A1) *Cultures and stocks. This waste shall include but not be limited to cultures and stocks of agents infectious to humans, and associated biologicals; cultures from medical or pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live or attenuated vaccines; or culture dishes and devices used to transfer, inoculate, or mix cultures.*
- B2) *Human pathological wastes. This waste shall include tissue, organs, and body parts (except teeth and the contiguous structures of bone and gum), body fluids that are removed during surgery, autopsy, or other medical procedures; or specimens of body fluids and their containers.*
- C3) *Human blood and blood products. This waste shall include discarded human blood, blood components (e.g., serum and plasma), or saturated material containing free flowing blood or blood components.*

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- D4) *Used sharps. This waste shall include but not be limited to discarded sharps used in animal or human patient care, medical research, or clinical or pharmaceutical laboratories; hypodermic, intravenous, or other medical needles; hypodermic or intravenous syringes; pasteur pipettes; scalpel blades; or blood vials. This waste shall also include but not be limited to other types of broken or unbroken glass (including slides and cover slips) in contact with infectious agents.*
- E5) *Animal waste. Animal waste means discarded materials, including carcasses, body parts, body fluids, blood, or bedding originating from animals inoculated during research, production of biologicals, or pharmaceutical testing with agents infectious to humans.*
- F6) *Isolation waste. This waste shall include discarded materials contaminated with blood, excretions, exudates, and secretions from humans that are isolated to protect others from highly communicable diseases. "Highly communicable diseases" means those diseases identified by the Board in rules adopted under ~~subsection (e) of~~ Section 56.2(e) of ~~the~~this Act.*
- G7) *Unused sharps. This waste shall include but not be limited to the following unused, discarded sharps: hypodermic, intravenous, or other needles; hypodermic or intravenous syringes; or scalpel blades.*
- 2) ~~*Potentially infectious medical waste*~~ does not include:
- A)8) *Waste generated as general household waste;*
- B)9) *Waste (except for sharps) for which the infectious potential has been eliminated by treatment; or*
- C)10) ~~*Sharps*~~sharps that meet both of the following conditions:
- i)A) *The infectious potential has been eliminated from the sharps by treatment; and*

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~ii)B)~~ *The sharps are rendered unrecognizable by treatment.*
~~[415 ILCS 5/3.360](Section 3.81 of the Act).~~

- d) "Tare weight" means the weight of a reusable shipping container that is not permanently disposed of with the PIMW.
- e) "Transporter" means a person engaged in the off-site transportation of PIMW by highway or water.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1450.101 Applicability

~~This~~The regulations of this Part ~~applies~~apply to:

- a) ~~Transporters of PIMW required to have a permit under Section 56.1(f) of the Act and transporters of PIMW not required to have a permit under Section 56.1(f)(1)(A) of the Act if the PIMW is transported to a site or facility not owned, controlled, or operated by the transporter~~Transporters of PIMW required to have a permit under Section 56.1(f) of the Act and transporters of PIMW not required to have a permit under Section 56.1(f)(1)(A) of the Act if the PIMW is transported to a site or facility not owned, controlled, or operated by the transporter; and
- b) ~~PIMW storage sites or treatment facilities receiving PIMW if the fee has not been previously paid by a transporter~~PIMW storage sites or treatment facilities receiving PIMW if the fee has not been previously paid by a transporter. [415 ILCS 5/56.6(a)]

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1450.105 Certification of Weight

- a) Although PIMW may be measured in other units, the transporter is responsible for accurately weighing any load of PIMW in pounds.
- b) The PIMW shall be weighed with a device for which certification has been obtained under the Weights and Measures Act (~~Ill. Rev. Stat. 1991, ch. 147, pars.~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~101 et seq.~~ [225 ILCS 470] or by another acceptable method as specified in the Agency permit.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART B: PROCEDURES FOR MAINTAINING REPORTS

Section 1450.202 Quarterly PIMW Report

- a) The Quarterly PIMW Report shall be submitted to the Agency on a form provided by the Agency.
- b) The Quarterly PIMW Report shall include, but not be limited to, the following information:
 - 1) the quarter and year received;
 - 2) the PIMW transport company name and address;
 - 3) the permitted medical waste hauler number;
 - 4) the designated facility name and location (city/state);
 - 5) the total number of PIMW manifests used for each of the three months;
 - 6) the net weight in pounds of PIMW subject to the PIMW transporter fee for each of the three months;
 - 7) the total PIMW transporter fee due for each of the three months;
 - 8) the summation of net weight in pounds of PIMW subject to the PIMW transporter fee for the current quarter and for the calendar year;
 - 9) the total PIMW transporter fee due for the current quarter and for the calendar year;
 - 10) the supplemental PIMW transporter fee due or credited for the previous reporting periodsperiod(s);

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 11) the PIMW transporter fee due or credited from the previous quarter;
 - 12) the total PIMW transporter fee paid for the quarter;
 - 13) the certification according to Section 1450.104; and
 - 14) the authorized name, signature, date and telephone number.
- c) The Quarterly PIMW Report shall be received by the Agency on or before April 15, July 15, October 15 and January 15 of each calendar year and shall cover the three calendar months preceding the receipt date.
- d) The PIMW transporter fee required to be paid under Subpart C of this Part shall be included with the submission of the Quarterly PIMW Report. The weight in pounds of PIMW subject to the PIMW transporter fee is required to be listed on each PIMW manifest.
- e) The PIMW Quarterly Report, including the payment of the PIMW transporter fee and the applicable Monthly PIMW Reports, shall be sent to the following address:

Fiscal Services Section

Illinois Environmental Protection Agency

Division of Administration, Fiscal Services

1021 North Grand Avenue East~~2200 Churchill Road~~

P.O. Box 19276

Springfield, Illinois 62794-9276

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART C: PROCEDURES FOR THE PAYMENT OF PIMW TRANSPORTER FEES

Section 1450.300 Quarterly Submission of Payment of PIMW Transporter Fee

- a) Payment of the ~~\$0.015 per pound of~~ PIMW transporter fee required by Section 56.6(a) of the Act shall ~~begin on July 1, 1992. The payment shall~~ be made on a quarterly basis with the submission of the Quarterly PIMW Report. ~~The Such~~ payment shall be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and shall cover the three preceding calendar months.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- b) If the calculation of fees under this Section results in an overpayment, the Agency shall credit this overpayment against the PIMW transporter fees due during the next quarter. The Agency shall issue no refunds.
- c) If the calculation of fees under this Section results in an underpayment of greater than \$10.00, the amount is due to the Agency within 10 calendar days ~~after~~from receipt of an underpayment notice from the Agency.
- d) Each transporter shall notify the Agency if it intends to permanently cease transportation of PIMW. This notification shall be received by the Agency within 30 calendar days after ceasing the transportation of PIMW and include:
- 1) the name and address of the transporter;
 - 2) the date by which PIMW will cease to be transported; and
 - 3) a fee payment schedule to assure submission of fees in accordance with this Part.
- e) In the event that a transporter does not transport any PIMW for any quarter, the transporter shall submit the Quarterly PIMW Report to the Agency at the times indicated in subsection (a) of this Section and shall indicate "none" in the appropriate spaces on the ~~Quarterly~~quarterly PIMW Report

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1450.301 Manner of Payment

Payment shall be made by money order, cashier's check or certified check payable to the Treasurer, State of Illinois. Payment shall be mailed to the Agency at the following address:

~~Fiscal Services Section~~
Illinois Environmental Protection Agency
~~Division of Administration, Fiscal Services~~
~~1021 North Grand Avenue East~~~~2200 Churchill Road~~
P.O. Box 19276
Springfield, Illinois 62794-9276

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 33 Ill. Reg. _____, effective _____)

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Department of Human Rights and the Human Rights Commission: Handicap Discrimination in Employment
- 2) Code Citation: 56 Ill. Adm. Code 5200
- 3)

| <u>Section Numbers</u> : | <u>Proposed Action</u> : |
|--------------------------|--------------------------|
| 5200.10 | Amendment |
| 5200.20 | Amendment |
| 5200.30 | Amendment |
| 5200.40 | Amendment |
| 5200.60 | Amendment |
- 4) Statutory Authority: Implementing Section 1-103(I) and Article 8 of the Illinois Human Rights Act [775 ILCS 5/1-103(I) and Art. 8] and authorized by Section 8-102(E) of the Illinois Human Rights Act [775 ILCS 5/8-102(E)]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Public Act 95-668, references to "handicap" discrimination should be stated as "disability" discrimination. References to "afflicted" and "affliction" are also being removed. These amendments are proposed jointly by the Department of Human Rights and the Illinois Human Rights Commission.
- 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: The rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

ILLINOIS HUMAN RIGHTS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Harriet Parker
General Counsel
Human Rights Commission
100 W. Randolph St., Ste. 5-100
Chicago, IL 60601

312/814-6269 or
312/814-4760 (TDD)

- 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 2008

The full text of the Proposed Amendments may be found in this issue of the *Illinois Register* at Department of Human Rights' Amendments for Part 2500 because this is a joint rulemaking with that agency.

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Department of Human Rights and the Human Rights Commission: Handicap Discrimination in Employment
- 2) Code Citation: 56 Ill. Adm. Code 2500
- 3)

| <u>Section Numbers</u> : | <u>Proposed Action</u> : |
|--------------------------|--------------------------|
| 2500.10 | Amendment |
| 2500.20 | Amendment |
| 2500.30 | Amendment |
| 2500.40 | Amendment |
| 2500.60 | Amendment |
- 4) Statutory Authority: Implementing Section 7-106(B) and authorized by Sections 7-101(A) and 8-102(E) of the Illinois Human Rights Act [775 ILCS 5/7-101(A), 7-106(B) and 8-102(E)]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to P. A. 95-668, reference to "handicap" discrimination should be stated as "disability" discrimination. The Department of Human Rights is removing references to "afflicted" and "affliction". The amendments will be proposed jointly with the Human Rights Commission.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

David T. Rothal
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

312/814-6257 or 312/263-1579 (TTY)

- 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 2008

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2500

JOINT RULES OF THE DEPARTMENT OF HUMAN RIGHTS
AND THE HUMAN RIGHTS COMMISSION:DISABILITYHANDICAP DISCRIMINATION IN EMPLOYMENT

Section

| | |
|---------|---|
| 2500.10 | Purpose and Coverage |
| 2500.20 | What Constitutes a " <u>DisabilityHandicap</u> " |
| 2500.30 | Who is Protected Against <u>DisabilityHandicap</u> Discrimination |
| 2500.40 | Reasonable Accommodation |
| 2500.50 | Bona Fide Occupational Qualification |
| 2500.60 | Pre-Employment Inquiries and Examinations |

AUTHORITY: Implementing Section 7-106(B) and authorized by Sections 7-101(A) and 8-102(E) of the Illinois Human Rights Act [775 ILCS 5/7-101(A), 7-106(B) and 8-102(E)].

SOURCE: Adopted at 6 Ill. Reg. 11489, effective September 15, 1982; codified at 8 Ill. Reg. 17502; amended at 33 Ill. Reg. _____, effective _____.

Section 2500.10 Purpose and Coverage

~~This~~The regulations in this Part ~~interprets~~interpret the provisions of Section 2-102 of the Illinois Human Rights Act ("Act") prohibiting discrimination in employment against persons with disabilities~~the handicapped~~. For purposes of the prohibition against disabilityhandicap discrimination, Section 2-102 applies to all units of State and local government in Illinois, to all private firms employing one or more individuals, and to all employment agencies and labor organizations (see Section 2-101(B), (C) and (D) of the Act).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2500.20 What Constitutes a "DisabilityHandicap"

- a) Statutory Definition – According to Section 1-103(I) of the Act, the term "disabilityhandicap" in employment contexts *means a determinable physical or mental characteristic of a person, including but not limited to a determinable physical characteristic which necessitates the person's use of a guide or hearing*

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic is unrelated to the person's ability to perform the duties of a particular job or position. This Section~~The following paragraphs~~, together with Section 2500.30, ~~interprets~~interpret the various clauses within this definition.

- b) *Determinable Physical or Mental Characteristic*
- 1) The definition is not confined to only those physical and mental conditions ~~that~~which are grave or extreme in nature. However, it is interpreted as excluding:
 - A) conditions ~~that~~which are transitory and insubstantial;~~;~~ and
 - B) conditions ~~that~~which are not significantly debilitating or disfiguring.
 - 2) To be covered, a condition must be "determinable" by recognized clinical or laboratory diagnostic techniques.
- c) ~~Resulting Result(ing) from Disease, Injury, Congenital Condition of Birth or Functional Disorder—~~
If a dispute arises as to whether a condition constitutes a ~~disability~~handicap, it is the burden of the person claiming the ~~disability~~handicap to establish that the condition results from disease, injury, congenital condition of birth or functional disorder. For example, the conditions of obesity and drug or alcohol abuse shall not be deemed "~~disabilities~~handicaps" unless the person can demonstrate that the condition arises from or constitutes the equivalent of a disease or functional disorder. (Even ~~when~~where alcohol or drug dependence is established as constituting a disease or functional disorder, see ~~subsection~~paragraph (d) ~~of this Part~~below regarding whether the condition is "unrelated to the person's ability".)
- d) *Unrelated to the Person's Ability to Perform the Duties of a Particular Job or Position.*~~---~~
- 1) Under this language, the real or suspected implications of a person's physical or mental condition are irrelevant, and therefore cannot justify discrimination against the person, if those implications do not affect the

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

person's ability to acceptably perform the particular job in question. ~~Such Irrelevant; irrelevant~~ implications include the preferences of co-workers, clients and customers; the expense of providing fringe benefits such as group insurance; and potential ~~workers' workers~~ compensation liability. Moreover, a condition is "unrelated to a person's ability to perform the duties of a particular job or position" if it merely affects the person's ability to perform tasks or engage in activities that are apart from or only incidental to the job in question.

- 2) On the other hand, a person's condition is related to his/her ability if it would make employment of the person in the particular position demonstrably hazardous to the health or safety of the person or others, or if it is manifested or results in behavior (e.g., absenteeism, poor quality or quantity of production, or disruptiveness) ~~that~~ which fails to meet acceptable standards. Reasonable accommodation of a person's physical or mental limitations must be explored, in accordance with Section 2500.40, to determine whether the condition prevents acceptable or safe performance of the activities necessary to the job. However, a person's alcoholism or drug dependence, ~~which is manifested in intoxication or excessive absence or tardiness, or intoxication~~ at work, is presumptively related to the person's ability to perform.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2500.30 Who is Protected Against ~~Disability Handicap~~ Discrimination

- a) Section 1-103(I) of the Act provides that a person is protected against discrimination if he/she
 - 1) is currently ~~exhibiting affliction with~~ a condition ~~that~~ which constitutes a "~~disability handicap~~"; ~~or~~
 - 2) has a history of ~~exhibiting affliction with~~ such a condition; or
 - 3) is perceived by an employer, employment agency or labor organization as being or having ~~exhibited such a condition~~ been so afflicted.
- b) An individual has a "history" of a ~~disabling handicapping~~ condition if he/she is restored or recovered from a prior ~~disability affliction~~ or if the individual's

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

symptoms are in remission. ~~For example, persons~~~~The mentally restored, those~~ who have had heart attacks or cancer, ~~and persons with orthopedic findings may be examples; they~~ are protected against discrimination ~~which is~~ based upon their medical histories. The "perception" of a ~~disablinghandicapping~~ condition may occur with regard to an individual who has been misdiagnosed, misclassified, or erroneously viewed as one who is ~~disabled~~ or ~~as having had a history of disabilityhas been so afflicted~~; ~~thesuch an~~ individual similarly is protected against discrimination based upon that erroneous perception. ~~TheSuch a~~ perception may also occur in connection with a person whose current non-disabling condition, e.g., hypertension, is viewed as creating the potential for future disability.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2500.40 Reasonable Accommodation

- a) Requirement – Employers and labor organizations must make reasonable accommodation of the known physical or mental limitations of otherwise qualified ~~disabledhandicapped~~ applicants or employees, unless the employer or labor organization can demonstrate that ~~such~~ accommodation would be prohibitively expensive or would unduly disrupt the ordinary conduct of business. Whether an accommodation would be prohibitively expensive or disruptive will involve weighing its cost and inconvenience against the immediate and potential benefits of providing it, ~~whenwhere~~ the immediate benefit is facilitation of the ~~disabledhandicapped~~ person's employment and the potential benefits include facilitating access by other disabled employees, applicants, clients and customers. Accommodation may include: alteration of the facility or work site; modification of work schedules or leave policy; acquisition of equipment; job restructuring; provision of readers or interpreters; and other similar actions.
- b) Exceptions – Accommodations of a personal nature (e.g., eyeglasses or hearing aids) need not be provided, nor is it necessary to provide any superfluous accommodation (e.g., provision of a chauffeur to accommodate a blind person's traveling difficulties). No employer is required to hire two full time employees to perform one job in order to accommodate a ~~disabledhandicapped~~ individual.
- c) Employee's Burden – It is the duty of the individual seeking an accommodation to apprise the employer or labor organization involved of ~~the employee's disabling his handicapping~~ condition and submit any necessary medical documentation. The ~~handicapped~~ individual must ordinarily initiate the request for

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

accommodation, and must cooperate in any ensuing discussion and evaluation aimed at determining the possible or feasible accommodations.

- d) Employer's or Labor Organization's Burden – Once a ~~disabledhandicapped~~ individual has initiated a request for accommodation, or if a potential accommodation is obvious in the circumstances, it is the duty of the employer or labor organization involved to provide the necessary accommodation in conformance with ~~subsectionparagraph~~ (a)~~above~~. In response to a discrimination charge involving a refusal to provide an accommodation, an employer or labor organization must show that the ~~disabledhandicapped~~ individual would be unqualified even with accommodation, that the accommodation would be prohibitively expensive or would unduly disrupt the conduct of business, or that the accommodation would constitute an exception as described in ~~subsectionparagraph~~ (b)~~above~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 2500.60 Pre-Employment Inquiries and Examinations

- a) Inquiries – An employer, employment agency or labor organization may not require a job applicant to list or disclose all disabling conditions ~~thatwith which~~ the applicant is ~~exhibitingafflicted~~. However, it is not a violation of the Act for an employer, employment agency or labor organization to ~~inquire,require~~ uniformly of all applicants for employment, referral or admission to an apprenticeship or other training program, whether they have physical or mental ~~disabilitieshandicaps thatwhich~~ may impair their abilities to acceptably perform ~~the required dutiesin the positions applied for,~~ or to successfully complete the apprenticeship or training programs ~~to which admission is sought~~.
- b) Examinations – An employer, employment agency or labor organization may require all applicants who have been found otherwise qualified for selection to submit to pre-employment physical or psychological examinations; for the purpose of determining whether ~~such~~ applicants are capable of acceptably performing the activities necessary to the job or training at issue. ~~ExaminationsSuch examinations~~ may also be utilized to ascertain the nature of any accommodation ~~which may be~~ needed to enable the applicant to perform acceptably, but not to disqualify applicants who are revealed as having a condition or characteristic ~~presentingwhich merely presents~~ a risk of future injury. Pre-employment physical or psychological examinations may be conducted prior

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

to the stage at which applicants are evaluated as otherwise fully qualified if the practice is followed consistently with all applicants, and if it can be demonstrated that each subsequent evaluative procedure is more expensive or burdensome than the physical or psychological examination. In all events, however, the results of any ~~such~~ pre-employment examination must be made available to the applicant, upon request.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 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
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 been involved in the creation or operation of tax shelters will receive guidance for complying with the amended registration and disclosure statutes.
 - 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 2008

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

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

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section

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

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

Section

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

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

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

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Section 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

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

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

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

Section

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

SUBPART J: COMPENSATION

Section

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

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

Section

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

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

| | |
|----------|---|
| 100.3300 | Allocation and Apportionment of Base Income (IITA Section 304) |
| 100.3310 | Business Income of Persons Other Than Residents (IITA Section 304) – In General |
| 100.3320 | Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed) |
| 100.3330 | Business Income of Persons Other Than Residents (IITA Section 304) – Allocation |
| 100.3340 | Business Income of Persons Other Than Residents (IITA Section 304) |
| 100.3350 | Property Factor (IITA Section 304) |
| 100.3360 | Payroll Factor (IITA Section 304) |
| 100.3370 | Sales Factor (IITA Section 304) |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 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))
100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

- Section
100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

- Section
100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses
100.5050 Frivolous Returns
100.5060 Reportable Transactions
100.5070 List of Investors in Potentially Abusive Tax Shelters [and Reportable Transactions](#)
100.5080 Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

- Section
100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
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"

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

SUBPART P: COMBINED RETURNS

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

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

| | |
|----------|--|
| Section | |
| 100.7000 | Requirement of Withholding (IITA Section 701) |
| 100.7010 | Compensation Paid in this State (IITA Section 701) |
| 100.7020 | Transacting Business Within this State (IITA Section 701) |
| 100.7030 | Payments to Residents (IITA Section 701) |
| 100.7040 | 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) |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

SUBPART S: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300 Returns 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)
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)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section

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

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

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

SUBPART AA: JUDICIAL REVIEW

Section

100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

100.9700 Unitary Business Group Defined (IITA Section 1501)
100.9710 Financial Organizations (IITA Section 1501)
100.9720 Nexus
100.9730 Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

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. 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,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART N: TIME AND PLACE FOR FILING RETURNS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section 100.5070 List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions

- a) Requirement to Furnish List of Investors in Potentially Abusive Tax Shelters
- 1) In General. For the period beginning July 30, 2004 and ending October 22, 2004, under~~Under~~ IITA Section 1405.6(a), any person required to maintain a list with respect to a "potentially abusive tax shelter" in accordance with 26 USC 6112 and 26 CFR 301.6112-1 (2007) and who is required to furnish the list to the Internal Revenue Service ~~on or after July 30, 2004~~ shall furnish the list to the Department at the time and in the manner provided under subsection (b) of this Section. 26 USC 6111 and 6112 were amended by Public Law 108-357 to delete any reference to "tax shelter". Accordingly, this subsection (a)(1) does not apply~~IITA Section 1405.6(a) has no application~~ after October 22, 2004, the effective date of Public Law 108-357.
 - 2) Special Rule for Listed Transactions. For the period beginning July 30, 2004 and ending January 10, 2008, under~~Under~~ IITA Section 1405.6(b), any person required for federal income tax purposes to maintain a list with respect to a transaction entered into on or after February 28, 2000 that becomes a listed transaction at any time shall furnish the list to the Department, regardless of whether the list is furnished to the Internal Revenue Service, at the time and in the manner provided under subsection (b) of this Section. IITA Section 1405.6(b) was repealed by Public Act 95-707. Accordingly, this subsection (a)(2) does not apply after January 10, 2008, the effective date of Public Act 95-707.
 - 3) Nexus with this State. Furnishing an investor list with respect to the periods specified in this subsection (a)~~under IITA Section 1405.6~~ is required only if the potentially abusive tax shelter or the listed transaction has nexus with this State as determined under this subsection (a)(3).
- A) Potentially Abusive Tax Shelters
- i) Prior to January 11, 2008, IITA Section 1405.6(d) provided~~provides~~ that, if the transaction with respect to which list maintenance is required is a tax shelter (other

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

than a listed transaction) as defined in 26 USC 6111, then the provisions of IITA Section 1405.6(a) and subsection (a) of this Section do not apply unless the tax shelter is:

- Organized in Illinois,
 - Doing Business in Illinois, or
 - Deriving income from sources within Illinois.
- ii) The requirements of this subsection (a)(3)(A) apply only to "tax shelters" and so apply only to potentially abusive tax shelters under IITA Section 1405.6(a) and subsection (a)(1), and not to listed transactions under IITA Section 1405.6(b) or subsection (a)(2). As noted in subsection (a)(1), ~~IITA Section 1405.6(a) and~~ subsection (a)(1) ~~hashave~~ no application after October 22, 2004.
- B) Listed Transactions. A listed transaction has sufficient nexus with Illinois to be subject to the requirement to furnish investor lists if, at the time the transaction is entered into, the transaction has one or more investors that is an Illinois taxpayer.
- 4) The term "listed transaction" shall have the same meaning as defined in Section 100.5060 of Subpart N of this Part.
- b) Time and Manner for Furnishing List. The provisions of this subsection (b) set forth the time and manner for furnishing investor lists with respect to the periods specified in subsection (a) of this Section.
- 1) Transactions (Other Than Listed Transactions)
- A) Any list that must be furnished to the Department with respect to the period specified in ~~in~~ ~~pursuant to IITA Section 1405.6(a) and~~ subsection (a)(1) of this Section shall be furnished to the Department by the later of:
- i) The date on which the list is required to be furnished to the Internal Revenue Service, or

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- ii) February 10, 2008.
 - B) The list shall include all of the same information required to be included for federal income tax purposes (including any statement regarding claims of privilege), plus any additional information required by the Department by published guidance. As noted in subsection (a)(1), subsection (a)(1)HTA Section 1405.6(a) has no application after October 22, 2004.
- 2) Listed Transactions
- A) Any list that must be furnished to the Department with respect to the period specified in subsection (a)(2) that includes a listed transaction having nexus with Illinois shall be furnished as provided in this Section, regardless of whether the list is furnished to the Internal Revenue Service, by the later of:
 - i) 60 days after entering into the transaction having nexus with Illinois,
 - ii) 60 days after the transaction having nexus with Illinois becomes a listed transaction, or
 - iii) February 10, 2008.
 - B) The list shall include all of the same information required to be included for federal income tax purposes (including any statement regarding claims of privilege) as of the date the investor list is required to be furnished to the Department, plus any additional information required by the Department by published guidance. If, after the date in which a list is required to be furnished to the Department under this subsection (b)(2), a transaction having Illinois nexus is entered into that is required for federal income tax purposes to be included on a list previously furnished the Department, then the previously furnished list must be supplemented no later than 60 days after the transaction is entered into. The supplement must include, with respect to the transaction, all of the same information required to be included on the list for federal income tax purposes. In the event that the requirement to

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

maintain a list with respect to a transaction described in this subsection (b)(2) is suspended under federal law on account of a ruling request at the time disclosure is otherwise required under this Section, the list shall be furnished by the date the federal suspension period terminates.

- 3) Special Rule. The provisions of this subsection (b)(3) apply to lists that must be furnished to the Department with respect to the period specified in subsection (a)(2). IITA Section 1007(c) allows the Director to rescind all or any portion of the penalty imposed for failure to comply with the requirements of IITA Section 1405.6 when, among other circumstances, imposing the penalty would be against equity and good conscience, or when rescinding the penalty would promote compliance with the requirements of the IITA and effective tax administration. Pursuant to IITA Section 1007(c), with respect to any transaction entered into prior to the time the transaction becomes a listed transaction, no penalty shall be imposed under Section 1007 if the person properly furnishes the list required under this Section not later than 120 days after the transaction becomes a listed transaction. Failure to furnish the list within the time required in this subsection (b)(3) does not preclude rescission of the penalty in accordance with IITA Section 1007(c).
- 4) Dissolution or Liquidation of Material Advisor. In any case in which a list subject to subsection (a) of this Section is furnished to the Office of Tax Shelter Analysis pursuant to 26 CFR 301.6112-1(f) (2007), the list shall also be furnished to the Department by the date on which the list is required to be furnished to the Internal Revenue Service. The list shall include all of the same information required to be included for federal income tax purposes (including any statement regarding claims of privilege), plus any additional information required by the Department by published guidance.
- 5) ~~Place for Filing. Lists required to be furnished to the Department under this Section shall be sent to:~~

~~Illinois Department of Revenue
P.O. Box 19029
Springfield IL 62794-9029~~

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- c) Exceptions. A list ~~otherwise is not~~ required to be furnished under subsection (a) of HTA Section 1405.6 and this Section is not required if:
- 1) At the time a list is otherwise required to be furnished to the Department under this Section on the basis that the transaction is a listed transaction, the Internal Revenue Service has removed the identification of transactions that are the same as or substantially similar to the transaction as listed transactions;
 - 2) Before the time in which the list is otherwise required to be furnished to the Department under this Section, the Department makes a determination by published guidance that a list is not required to be furnished with respect to a particular transaction or type of transaction; or
 - 3) With respect to a listed transaction for which, at the time the list is required to be furnished to the Internal Revenue Service, the same list had previously been furnished the Department pursuant to this Section, provided the list furnished the Internal Revenue Service does not contain additional information.
- d) Material Advisors of Reportable Transactions
- 1) On and after January 11, 2008, any person required to maintain a list under IRC section 6112 shall furnish a duplicate of that list to the Department not later than the time the list is required to be furnished to the Internal Revenue Service, or, if earlier, the date of written request by the Department. [35 ILCS 5/1405.6(a)]
 - 2) Reportable Transactions Subject to this Section. A copy of the list required to be maintained by a person under IRC section 6112 and 26 CFR 301.6112-1 shall be subject to the requirements of this subsection (d) if the person is a material advisor with respect to a transaction having nexus with Illinois. A person is a material advisor with respect to a transaction having nexus with Illinois if:
 - A) The person is a material advisor with respect to the transaction under IRC section 6112 and 26 CFR 301.6112-1; and

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- B) The person is a material advisor with respect to the transaction as described in Section 100.5080(c)(2) of this Subpart N.
- 3) Furnishing of Lists. Each person who is a material advisor, as described in subsection (d)(2), with respect to a transaction having nexus with Illinois as described in subsection (d)(2) must furnish a copy of the list to the Department not later than:
- A) The date the list (or a component of the list) is required to be furnished to the Internal Revenue Service under 26 CFR 301.6112-1;
- B) The date the list (or component of the list) is required to be furnished to the Internal Revenue Service on behalf of a person by another material advisor pursuant to a designation agreement under 26 CFR 301.6112-1(f); or
- C) If earlier than the date specified in subsections (d)(3)(A) and (B), the date specified in a written request issued by the Department.
- 4) Designation Agreements. If the obligation under IRC section 6112 and 26 CFR 301.6112-1 of a material advisor with respect to a transaction having nexus with Illinois is satisfied pursuant to a designation agreement under 26 CFR 301.6112-1(f) by a person that is not a material advisor with respect to a transaction having nexus with Illinois, the material advisor with respect to a transaction having nexus with Illinois must furnish the list at the time required under this subsection (d). The list may be filed on the material advisor's behalf by the person designated under the designation agreement.
- ed) Protective Filing. If a person required to furnish a list under this Section with respect to a transaction believes in good faith that the State lacks jurisdiction to require the person to comply with this Section or that any information required to be disclosed under this Section is privileged or otherwise exempt from disclosure, the person may file a statement with the Department setting forth the basis of any claim of lack of jurisdiction. If the statement contains a detailed description of the transaction that describes both the tax structure and its expected tax treatment, discloses the number of investors the person is required to include on the list, and includes an explanation of the basis for believing that disclosure is not required,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

then the filing of the statement shall abate the penalty otherwise imposed under IITA Section 1007 for failing to furnish a list. However, failure to furnish the statement does not preclude rescission of the penalty in accordance with IITA Section 1007(c).

- f) Place for Filing. Lists required to be furnished to the Department under this Section shall be sent to:

Illinois Department of Revenue
P.O. Box 19029
Springfield IL 62794-9029

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 100.5080 Registration of Tax Shelters (IITA Section 1405.5)

- a) Requirement to Register Tax Shelters and Listed Transactions.
- 1) For the period beginning July 30, 2004 and ending October 22, 2004, ~~under~~ IITA Section 1405.5(a), any tax shelter organizer required to register a "tax shelter" under 26 USC 6111 is required to register that tax shelter with the Department. 26 USC 6111 was amended by Public Law 108-357 to delete any reference to "tax shelter". Accordingly IITA Section 1405.5(a) has no application after October 22, 2004, the effective date of Public Law 108-357.
 - 2) For the period beginning July 30, 2004 and ending January 10, 2008, ~~under~~ IITA Section 1405.5(b), registration *in the form and manner prescribed by the Department* is required for any transactions entered into after February 28, 2000 that become listed transactions (as defined in Section 100.5060 of Subpart N of this Part) at any time. Transactions requiring registration under this provision are those transactions for which a list is required to be furnished to the Department pursuant to IITA Section 1405.6(b) and Section 100.5070(a)(2) of this Part.
- b) Time and Manner for Making Registration. Registration under IITA Section 1405.5(b) and subsection (a)(2) of this Section shall be required only of the person required to furnish the investor list with respect to the transaction under Section 100.5070 of this Part. Registration will be due at the time the investor list

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

is required to be furnished to the Department, and properly furnishing the investor list for a transaction (including the name, address, and taxpayer identification number of the person required to furnish the list) shall be deemed to be registration of the transaction for purposes of IITA Section 1405.5(b) and subsection (a)(2) of this Section.

c) Disclosure of Reportable Transaction by Material Advisor.

1) In General. On and after January 11, 2008, any material advisor required to file a return under 26 USC 6111 and 26 CFR 301.6111-3 with respect to a reportable transaction subject to this Section shall file a copy of the return not later than the day on which the return is required to be filed under federal law.

2) Reportable Transactions Subject to this Section.

A) A copy of the return required to be filed by a person under 26 USC 6111 and 26 CFR 301.6111-3 is required to be filed under this Section if that person is a material advisor with respect to a transaction having nexus with Illinois. A person is a material advisor with respect to a transaction having nexus with Illinois if:

i) The person is a material advisor with respect to the transaction;

ii) The person makes or provides a tax statement to or for the benefit of an Illinois taxpayer, or the person makes or provides a tax statement to or for the benefit of another material advisor who makes or provides a tax statement to or for the benefit of an Illinois taxpayer; and

iii) The transaction is entered into by an Illinois taxpayer.

B) Material advisors, including those who cease providing services before the time the transaction is entered into by an Illinois taxpayer, must make reasonable and good faith efforts to determine whether the transaction has been entered into by an Illinois taxpayer.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 3) Time for Filing Return.
- A) In General. The return required to be filed under this Section (including an amended return required to be filed under 26 CFR 301.6111-3(d)(1)) must be filed not later than the time the same return is required to be filed under 26 CFR 301.6111-3.
- B) Special Rule. If, at the time a material advisor is required to file a return with respect to a reportable transaction under 26 USC 6111 and 26 CFR 301.6111-3, no return is required under this subsection (c) because the events described in subsections (c)(2)(B) and (C) have not occurred, but those events subsequently do occur, then a copy of the return required to be filed under the federal law shall be filed with the Department by the last day of the month that follows the end of the calendar quarter in which the events occur.
- C) Designation Agreements. If the obligation under 26 USC 6111 and 26 CFR 301.6111-3 of a material advisor with respect to a transaction having nexus with Illinois is to be satisfied pursuant to a designation agreement under 26 CFR 301.6111-3(f) by a person who is not required to file a return under this subsection (c), the material advisor with respect to that transaction having nexus with Illinois must file a copy of the return filed pursuant to the designation agreement not later than the time the return must be filed under the federal law. The copy may be filed on the material advisor's behalf by the person designated under the designation agreement.
- 4) Protective Disclosure. If the obligation under 26 USC 6111 and 26 CFR 301.6111-3 of a material advisor with respect to a transaction having nexus with Illinois is satisfied by the filing of a protective disclosure under 26 CFR 301.6111-3(g), then the filing of a copy of the protective disclosure with the Department shall satisfy the obligation under IITA Section 1405.5 and this subsection (c).
- 5) Ruling Request. If the obligation under 26 USC 6111 and 26 CFR 301.6111-3 of a material advisor with respect to a transaction having nexus with Illinois is satisfied by the filing of a ruling request under 26 CFR 301.6111-3(h), then the filing of a copy of the submission that is

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

deemed to satisfy the federal return requirement by the last day of the month following the end of the calendar quarter in which the Internal Revenue Service notified the material advisor that the submission satisfies the federal return requirement shall satisfy the obligation under IITA Section 1505.5 and this subsection (c).

- 6) Definitions. For purposes of this subsection (c), the following definitions apply:
- A) Material Advisor. The term material advisor with respect to a reportable transaction means a person who is a material advisor with respect to the transaction defined under 26 USC 6111(b)(1) and 26 CFR 301.6111-3(b).
 - B) Reportable Transaction. The term reportable transaction has the same meaning as prescribed in 26 CFR 301.6111-3(c)(1).
 - C) Tax Statement. The term tax statement has the same meaning as prescribed in 26 CFR 301.6111-3(b)(2)(ii).
 - D) Illinois Taxpayer. The term Illinois taxpayer means, with respect to a reportable transaction, any person whose base income allocable or apportionable to Illinois is affected by the reportable transaction. In the case of a group of corporations required to file a combined return under IITA Section 502(e), the term Illinois taxpayer refers to the combined group.
- 7) Place for Filing. Returns required to be furnished to the Department under this Section shall be sent to:

Illinois Department of Revenue
P.O. Box 19029
Springfield IL 62794-9029

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sex Offender Evaluation and Treatment
- 2) Code Citation: 20 Ill. Admin. Code 1905
- 3)

| | |
|-------------------------|-------------------------|
| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
| 1905.10 | Amendment |
| 1905.30 | Amendment |
| 1905.310 | Amendment |
- 4) Statutory Authority: Sex Offender Management Board Act [20 ILCS 4026]
- 5) A Complete Description of the Subjects and Issues Involved: The scope of Part 1905, which regulates the evaluation, treatment and supervision of those who have committed sexual offenses, is being amended so that its standards apply only with respect to adult offenders. A new Part 1910 that applies with respect to juvenile offenders has been proposed and appears elsewhere in this issue of the *Illinois Register*.
- 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? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: Neither creates nor enlarges a State mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act. Rather, this rulemaking makes it possible to comply with mandates issued by the General Assembly in PA 93-616.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: During the first notice period by writing:

Cara Smith, Chair
Sex Offender Management Board
James R. Thompson Center, 12th Floor

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

100 W. Randolph Street
Chicago, IL 60601
312/814-5526

- 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 2008

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

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER VII: SEX OFFENDER MANAGEMENT BOARD

PART 1905

ADULT SEX OFFENDER EVALUATION AND TREATMENT

SUBPART A: GENERAL

- Section
1905.10 Purpose and Scope
1905.20 Definitions

SUBPART B: PROVIDER LIST AND QUALIFICATIONS

- 1905.30 Provider List
1905.40 General Requirements for Approval of Evaluators and Providers
1905.50 Qualifications for Provision of Evaluations Before Sentencing
1905.60 Qualifications for Provision of Pre-release and SVP Evaluations
1905.70 Qualifications for Treatment Providers
1905.80 Supervision by Approved Providers

SUBPART C: APPROVAL AND REMOVAL PROCEDURES

- 1905.100 Application
1905.110 Application Review and Approval
1905.120 Appeal of Application Denial
1905.130 Removal from Provider List
1905.140 Complaints Against Providers

SUBPART D: STANDARDS OF PRACTICE

- 1905.200 Scope
1905.210 Ethical Standards
1905.220 Release of Information and Confidentiality
1905.230 General Standards for Conducting Evaluations
1905.240 Elements of Comprehensive Sex Offense Specific Evaluations
1905.250 Evaluator Recommendations
1905.300 General Standards for Treatment
1905.310 Treatment Provider Client Written Treatment Agreement

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

1905.320 Completion of Treatment

AUTHORITY: Authorized by Section 15 of the Sex Offender Management Board Act [20 ILCS 4026/15] and implementing Section 15-18 of the Act; Section 8 of the Sexually Dangerous Persons Act [725 ILCS 205/8]; Sections 10(c)(2), 25(e), 30(c), 40(b)(1), 55(b), 60(c) and 65(a)(2) and (b)(2) of the Sexually Violent Persons Commitment Act [725 ILCS 207/10(c)(2), 25(e), 30(c), 40(b)(1), 55(b), 60(c) and 65(a)(2) and (b)(2)]; and Sections 3-3-7(a)(7.5), 3-6-2(j) and (k), 3-9-7(b), 5-3-2(b-5), 5-6-3(a)(8.5) and 5-7-1(f-5) of the Unified Code of Corrections [730 ILCS 5/3-3-7(a)(7.5), 3-6-2(j) and (k), 3-9-7(b), 5-3-2(b-5), 5-6-3(a)(8.5) and 5-7-1(f-5)].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 8300, effective May 27, 2004, for a maximum of 150 days; emergency expired October 23, 2004; adopted at 29 Ill. Reg. 1973, effective January 24, 2005; amended at 29 Ill. Reg. 12273, effective July 25, 2005; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1905.10 Purpose and Scope

Effective January 1, 2004, the Sex Offender Management Board Act [20 ILCS 4026] and various other statutes provide for the evaluation and/or treatment of convicted sex offenders in conformance with standards adopted by, and by persons approved by, the Sex Offender Management Board. This Part establishes requirements for evaluators and treatment providers to obtain Board approval to perform those functions with respect to adult sex offenders. It also establishes standards for conducting evaluations of, and providing treatment to, adult sex offenders in all circumstances in which where conformance with Board standards is required.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART B: PROVIDER LIST AND QUALIFICATIONS

Section 1905.30 Provider List

The Board will establish an approved provider list upon which will be placed the names of all individuals who are approved by the Board to provide evaluations and treatment of sex offenders, along with the category of the services the providers are approved to provide (e.g., pre-sentence or pre-release evaluations). Providers will be placed on the list if they complete the application process described in Section 1905.100, meet the general requirements of Section

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

1905.40, and meet the specific qualifications and requirements that correspond to the designation sought.

- a) Individuals who meet the qualifications of Section 1905.50 will be approved for conducting pre-sentencing evaluations to meet the requirements for evaluations of:
 - 1) felony sex offenders who are to be considered for probation, pursuant to Section 16(b) of the Act ~~(adult or juvenile)~~;
 - 2) any adult who is being considered for probation before sentencing on a felony sex offense or any felony offense that is sexually motivated, pursuant to 730 ILCS 5/5-3-2(b-5) and 5-3-1, ~~and 3) a minor found guilty of a sex offense, pursuant to 705 ILCS 405/5-701.~~
- b) Individuals who meet the qualifications of Section 1905.60 will be approved for conducting evaluations to meet the requirements for evaluations of:
 - 1) every person convicted of a sex offense, prior to release into the community from the Department of Corrections, pursuant to 730 ILCS 5/5-4-1(e)(3.5);
 - 2) any person as required in Section 5 of the Sexually Violent Persons Commitment Act [725 ILCS 207/5].
- c) Individuals who meet the qualifications of Section 1905.70 will be approved to provide sex offender treatment to any ~~person~~, adult ~~or juvenile~~, who is required to undergo treatment from a provider approved by the Board.
- d) An individual who is approved to conduct pre-sentencing evaluations under subsection (a) is also approved to conduct the evaluations listed under subsection (b).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART D: STANDARDS OF PRACTICE

Section 1905.310 Treatment Provider Client Written Treatment Agreement

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) Prior to treatment and as a condition of treatment, a provider shall enter into a written contract with the sex offender prior to the commencement of treatment. The contract shall describe the responsibilities of both the provider and the sex offender. Breach of the contract by the offender may serve as the basis for revocation of probation or a recommendation to the Prisoner Review Board to revoke parole or other community supervision.
- b) The contract shall describe the role of the treatment provider in implementing the treatment plan, as well as the responsibility of the provider to:
 - 1) Define and provide timely statements of the costs of the assessment, evaluation, and treatment, including all medical and psychological tests, physiological tests, and consultations;
 - 2) Describe the releases of information that will be required for a provider to treat the sex offender for his/her sexual offending behavior, describe the various parties with whom treatment information will be shared during the treatment, describe the time limits on the releases, and describe the procedures necessary for the sex offender to revoke the releases;
 - 3) Describe the right of the sex offender to refuse treatment and/or to refuse to sign a release, and describe the risks and potential risks and outcomes of that decision;
 - 4) Describe the type, frequency, and requirements of the treatment and outline how the duration of treatment will be determined;
 - 5) Describe the limits of confidentiality imposed on the therapist by the mandatory reporting law.
- c) The contract shall describe the responsibilities of the sex offender (as applicable) to:
 - 1) Pay for the cost of evaluation and treatment for self and his or her family, if applicable;
 - 2) Pay for the cost of evaluation and treatment for the victims and their families, when ordered by the court, including all medical and psychological tests, physiological testing, and consultation;

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Inform the treatment provider, the sex offender's immediate family, and support system of the details of all past sexual offenses to ensure help and protection for past victims and/or as relevant to the development of the relapse prevention plan. Clinical judgment should be exercised in determining what information is provided to children;
 - 4) Actively involve members of the sex offender's family and support system, as indicated in the relapse prevention plan;
 - 5) Notify the treatment provider of any changes or events in the lives of the sex offender, the members of the sex offender's family, or support system;
 - 6) Comply with the limitations and restrictions placed on the behavior of the sex offender, as described in the terms and conditions of probation, parole, or conditional release for sexually violent persons or sexually dangerous persons and/or in the contract between the provider and the sex offender.
- d) The contract shall describe the responsibility of and restrictions on the sex offender to protect community safety by avoiding risky, aggressive, or re-offending behavior by avoiding high-risk situations, and by reporting any such behavior to the provider and supervising officer as soon as possible.
- e) The contract shall describe the responsibility of the provider to:
- 1) Identify, and provide timely statements of, the costs of assessment, evaluation, and treatment, including all medical and psychological tests, physiological tests, and consultations, to the sex offender as well as any court-appointed~~the parent or~~ guardian.
 - 2) Describe the information releases that will be required for a provider to treat the sex offender for his/her sexual offending behavior; describe the various parties with whom treatment information will be shared during the treatment; describe the time limits on the waivers of confidentiality; and describe the procedures necessary for the sex offender to revoke the waiver.
 - 3) Describe the right of the sex offender to refuse treatment and/or to refuse to consent to disclosure, and describe the consequences, risks and potential

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

risks and outcomes of that decision, including the provider's right not to provide treatment if the necessary releases are not given.

- 4) Describe the type, frequency, and requirements of the treatment and outline how the duration of treatment will be determined.
 - 5) Describe the limits of confidentiality imposed on the therapist by the mandatory reporting law.
- f) The provider shall explain the terms of the contract to the sex offender in language that the sex offender understands.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Juvenile Sex Offender Evaluation and Treatment
- 2) Code Citation: 20 Ill. Admin. Code 1910
- 3)

| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 1910.10 | New |
| 1910.20 | New |
| 1910.30 | New |
| 1910.40 | New |
| 1910.50 | New |
| 1910.60 | New |
| 1910.70 | New |
| 1910.80 | New |
| 1910.90 | New |
| 1910.100 | New |
| 1910.110 | New |
| 1910.120 | New |
| 1910.130 | New |
| 1910.140 | New |
| 1910.150 | New |
| 1910.160 | New |
| 1910.170 | New |
| 1910.180 | New |
| 1910.190 | New |
| 1910.200 | New |
| 1910.210 | New |
| 1910.220 | New |
| 1910.230 | New |
| 1910.240 | New |
| 1910.250 | New |
| 1910.260 | New |
| 1910.270 | New |
- 4) Statutory Authority: Sex Offender Management Board Act [20 ILCS 4026]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes a separate set of standards for the evaluation, treatment and supervision of juveniles who have committed sex offenses. Although based largely upon standards that have been in effect for both adults and juveniles, this rulemaking includes provisions for

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

issues that are not relevant to the evaluation and treatment of adult sex offenders such as concerns over family reunification when the offender and victim are siblings. This rulemaking addresses the use of multidisciplinary teams to ensure that the juvenile's need for treatment, supervision, and management, and the victim's need for safety and wellbeing, are met. In addition, these proposed rules require that evaluators and treatment providers have experience specifically with juvenile sex offenders in order to be qualified for the Provider List for juveniles.

- 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? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: Neither creates nor enlarges a State mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act. Rather, this rulemaking makes it possible to comply with mandates issued by the General Assembly in PA 93-616.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: During the first notice period by writing:

Cara Smith, Chair
Sex Offender Management Board
James R. Thompson Center, 12th Floor
100 W. Randolph Street
Chicago, IL 60601

312/814-2970

- 13) Initial Regulatory Flexibility Analysis:

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- A) Types of small businesses, small municipalities and not for profit corporations affected: Not for profit organizations that provide mental health or treatment programs to sex offenders will be affected by this Part.
- B) Reporting, bookkeeping or other procedures required for compliance: Reports of evaluations of sex offenders and, with respect to offenders undergoing treatment, quarterly progress reports will need to be made to the Department of Corrections or other supervising agency. Treatment providers will be required to enter into written contracts with the sex offenders they treat, which contracts must have the elements specified in the rules. In addition, they will be required to completely explain the nature and conditions of the services to be provided.
- C) Types of professional skills necessary for compliance: Individuals wishing to be approved by the SOMB to provide evaluation and/or treatment to juvenile sex offenders in the criminal justice system must have the education, training and experience required by this Part and must provide services in accordance with the standards set by this Part.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER VII: SEX OFFENDER MANAGEMENT BOARDPART 1910
JUVENILE SEX OFFENDER EVALUATION AND TREATMENT

SUBPART A: GENERAL

| | |
|---------|-----------------------|
| Section | |
| 1910.10 | Purpose |
| 1910.20 | Definitions |
| 1910.30 | Victim Centered Focus |

SUBPART B: PROVIDER QUALIFICATIONS AND APPROVAL

| | |
|----------|---------------------------------|
| Section | |
| 1910.40 | Provider List |
| 1910.50 | Provider Qualifications |
| 1910.60 | Application |
| 1910.70 | Application Review and Approval |
| 1910.80 | Appeal of Application Denial |
| 1910.90 | Removal from Provider List |
| 1910.100 | Complaints Against Providers |

SUBPART C: STANDARDS OF PRACTICE

| | |
|----------|--|
| Section | |
| 1910.110 | Ethical Standards |
| 1910.120 | Confidentiality |
| 1910.130 | Evaluation |
| 1910.140 | Phases of Juvenile Evaluation |
| 1910.150 | Elements of Juvenile Evaluation |
| 1910.160 | Evaluation Recommendations and Report |
| 1910.170 | Treatment |
| 1910.180 | Treatment Provider – Juvenile Contracts and Consent Agreements |
| 1910.190 | Treatment Plans |
| 1910.200 | Treatment Methods |
| 1910.210 | Progress Review and Discharge |
| 1910.220 | Successful Completion of Treatment |

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

SUBPART D: SUPERVISION, RISK MANAGEMENT
AND ACCOUNTABILITY

Section

| | |
|----------|--|
| 1910.230 | Multidisciplinary Team |
| 1910.240 | Placement |
| 1910.250 | Polygraph Examinations of Juveniles |
| 1910.260 | Accountability and Assignment/Acceptance of Responsibility |
| 1910.270 | Family Reunification |

AUTHORITY: Illinois Sex Offender Management Board Act [20 ILCS 4026].

SOURCE: Adopted at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1910.10 Purpose

- a) In 1997, the Illinois General Assembly approved legislation that established the Sex Offender Management Board. Since its inception, the Board has been charged with protecting victims and enhancing community safety. The purpose of this Part is to establish requirements for the evaluation, treatment, and monitoring of juvenile sex offenders to achieve these goals.
- b) The following principles were developed to guide individuals and groups toward practices and systems that achieve the Board's goal of "no more victims":
 - 1) Sexual abuse causes harm, and the safety of the community is paramount to any policy or practice concerning juveniles who commit sexual offenses.
 - 2) All juveniles adjudicated for a sex offense described in Section 10 of the Sex Offender Management Board Act [20 ILCS 4026/10] must be provided a comprehensive evaluation designed specifically for juveniles who commit sexual offenses.
 - 3) Comprehensive evaluation and treatment shall address the full range of the juvenile's sexually inappropriate behaviors, legal or illegal, and

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

holistically describe the juvenile who commits sex offenses, including identifying the youth's strengths, weaknesses and needs.

- 4) A multidisciplinary team shall be established to ensure that the juvenile's need for treatment, supervision, and management and the victim's need for safety and well-being are met.
 - A) The team will make recommendations regarding the juvenile's placement in the community, supervision and treatment.
 - B) The team will engage the juvenile's family and/or caregivers in the process of decision making.
 - C) The team is responsible for ensuring that practices are guided and determined by the most current, empirically-based practices.
- 5) Decisions regarding any and all contact between the victim and the juvenile who committed the sexual offenses, including contact through family reunification, attendance at school, social activities and participation in treatment, will be based on community safety and the well-being of victims and the recommendations of the multidisciplinary team.
- 6) Progress in treatment must be demonstrated by a change in the juvenile's behaviors and attitudes that support sex offending, the elimination of sex offending and an increase in pro-social and interpersonal skills.

Section 1910.20 Definitions

Accountability: Accurate attributions of responsibility, without distortion, minimization or denial. Quality of being responsible for one's conduct; being responsible for causes, motives, actions and outcomes.

Act: Illinois Sex Offender Management Board Act [20 ILCS 4026]

Aftercare: Placement, services and monitoring that commence at the point when the multidisciplinary team approves completion of primary treatment and readiness for accountability through a less restrictive supervision plan. Aftercare requires continued input by members of the multidisciplinary team. The aftercare

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

plan is developed by the multidisciplinary team prior to the juvenile's completion of treatment and addresses strengths, risks, deficits relative to treatment completion, follow-up, placement, and supervision.

Assessment: Standardized measurements, developed and normed for juvenile populations, and clinical interviews used to evaluate various domains of functioning and development, including cognitive, psychological, emotional, memory and learning, social stability, family dynamics, academics, vocational/career and accountability.

Board: Sex Offender Management Board.

Completion of Treatment: A series of accomplishments, demonstrated competence, and mastery of both constructs and improved results on instruments used in treatment, as determined by the treatment provider in consultation with the multidisciplinary team. Specifically, the completion of treatment is defined by the offender's accomplishment of the following:

demonstrated accountability for and disclosure of all offenses to ensure that there are no unreported victims;

elimination of offending behavior;

acceptance of the presence and management of deviant thinking and impulses;

development of pro-social attitudes and behaviors;

increase in situational skills, i.e., communication, problem solving, and decision making; and

establishment of safety plans for school and home.

Contact: Any verbal, physical or electronic communication, whether direct or indirect, between a juvenile who has committed a sexual offense and a victim or a potential victim.

Purposeful: A planned experience with an identifiable potential outcome.

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

Incidental: Unplanned or accidental; by chance.

Dispositional Behavior: As a direct result of the successful completion of treatment, changes in the behavior, attitude and personality of the juvenile who committed the sex offense and in those elements of his/her behavior, attitude and personality that were present at the time of the offense and supported the offending behavior as a result of successful completion of treatment.

Evaluation: A sex-offender specific evaluation that systematically uses a variety of standardized measurements, assessments and information gathered collaterally and through face-to-face interviews. Sex-offender specific evaluations assess risk to the community; identify and document treatment and developmental needs, including safe and appropriate placement settings; determine amenability to treatment; and are the foundation of treatment, supervision, and placement recommendations.

Informed Assent: Assent means compliance; a willingness to do something in compliance with a request. The use of the word "assent" rather than "consent" recognizes that juveniles who have committed sexual offenses are not voluntary clients and that their choices are, therefore, more limited. Informed means a person's assent is based on a full disclosure of the facts needed to make the decision intelligently, e.g., knowledge of risks involved and the alternatives.

Informed Consent: Agreement including all of the following:

understanding what is proposed, based on age, maturity, developmental level, functioning, and experience, and mental status;

knowledge of societal standards for what is being proposed;

awareness of potential consequences and alternatives;

assumption that agreement or disagreement will be respected equally; and

voluntary decision to comply with recommendations.

Informed Supervision: Informed supervision is the ongoing, daily supervision and monitoring of a juvenile who has committed a sexual offense by an adult who:

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- is approved by the treatment provider;
- is aware of the juvenile's history of sexually offending behavior;
- does not deny or minimize the juvenile's responsibility for, or the seriousness of the sexual offense;
- can define all types of abusive behaviors and can recognize abusive behaviors in daily functioning;
- is aware of the laws relevant to the sexual behaviors of juveniles;
- is aware of the dynamic patterns associated with abusive behaviors and is able to recognize such patterns in daily functioning;
- understands the conditions of community supervision and treatment;
- can design, implement, and monitor safety plans for daily activities;
- is able to hold the juvenile accountable for his/her behavior;
- has the skills to intervene in and interrupt high risk patterns or behaviors;
- can share accurate observations of daily functioning;
- communicates regularly with members of the multidisciplinary team;
- is not under the influence of alcohol or drugs or under professional care for mental health or substance abuse problems;
- has not been convicted of or had any type of sexual abuse or offense allegations or charges substantiated by an official organization, agency or jurisdiction.

Juvenile: Any minor adjudicated for a sex offense under the jurisdiction of the juvenile court.

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

Milieu Therapy: A residential or day treatment program where employees interact with juveniles in a therapeutic manner regarding day-to-day living.

Multidisciplinary Team or MDT: The multidisciplinary team has primary responsibility for management and supervision of the juvenile through shared information and for monitoring the juvenile's progress in treatment and overall functioning in the various situations and environments that the youth encounters. The consensus of the MDT guides the development of recommendations regarding treatment, placement, and supervision. Members of the MDT should include the treatment provider, the supervising agent or officer, members of the juvenile's family, the caregiver, victim representative or advocate, school personnel, caseworker, law enforcement, coaches, employers or others who have relevant information about the juvenile.

Needs: Interpersonal issues to be addressed therapeutically or by specific intervention through treatment and the supervision plan.

Overall Health: Consists of personal and ecological aspects of a juvenile's life including physical, emotional, intellectual, social, relational, spiritual, educational, and vocational.

Potential Victim: A person who cannot reliably repel the unwanted sexual advances of the juvenile.

Recidivism: Return to sex offending after some period of abstinence or restraint. Recidivism may be measured by re-offenses that are self-reported or reported by a reliable informant, or by adjudication for subsequent sexual offenses.

Relapse Prevention: An element of treatment designed to address behaviors, thoughts, feelings, and fantasies that were present in the juvenile's instant offense, abuse cycle, and, consequently, relapse cycle. Relapse prevention is directly related to community safety. Evaluation of the individual's risk to re-offend shall be the basis of the safety plan and determine the level of supervision required.

Safety Planning: The purposeful planning of individualized, preventive interventions that the juvenile and others can use to moderate risks in specific situations and in day-to-day environments. The treatment provider shall develop the safety plan in consultation with the MDT. (Sample safety plans are available from the Board.)

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

Secondary or Indirect Victim: A family member or other person closely involved with the primary victim who is impacted emotionally and/or physically by the trauma suffered by the primary victim.

Sex Offense: An offense listed in Section 10(c) of the Sex Offender Management Board Act [20 ILCS 4026/10(c)].

Sex Offense Specific Treatment: A comprehensive set of planned therapeutic interventions and experiences to reduce the risk of further sexual offending and abusive behaviors by the juvenile. Treatment may include adjunct therapies to address the unique needs of the individual, but must include offense specific services by a treatment provider who meets the qualifications described in Section 1910.50. Treatment focuses on the situations, thoughts, feelings, and behavior that have preceded and followed past offending (abuse cycles) and promotes change in each area relevant to the risk of continued abusive, offending, and/or deviant sexual behaviors. Due to the heterogeneity of the juveniles who commit sex offenses, treatment is provided based on the individualized evaluation and assessment. Treatment is designed to stop sex offending and abusive behavior, while increasing the juvenile's ability to function as a healthy, pro-social member of the community. Progress in treatment is measured by change rather than the passage of time.

Sexual Abuse Cycle: A theoretical model of understanding the thoughts, feelings, behaviors, and events that fuel sex offending and abusive behavior.

Supervising Officer/Agent: A professional in the employ of State or county probation or parole, or the Departments of Corrections, Human Services, or Children and Family Services, who is responsible for community monitoring and case management.

Termination of Treatment: Removal from or stopping sex offense specific treatment due to changes in the juvenile's treatment needs, including but not limited to completion, lack of participation, increased risk, re-offense, or cessation of treatment that was mandated by the court for a specific period of time without successful completion of treatment.

Transition Point: Planned movement from one level of treatment and/or supervision to another.

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

Section 1910.30 Victim Centered Focus

- a) The paramount goal of intervention with juveniles who commit sexual offenses shall be victim and community safety.
- b) Victims shall have the exclusive right to determine the extent to which they will provide input to the management and treatment of the juvenile. Parents/guardians of the victim shall act on behalf of the victim to exercise this right in the best interest of the victim. (See 725 ILCS 120/4(a)(7).)
- c) The only circumstance under which a victim and the perpetrator shall have contact or reside in the same home is when all other alternatives have been exhausted and:
 - 1) there is a well-designed safety plan in place, which has been developed by an approved provider in collaboration with the MDT and its implementation is monitored by informed supervisors; and
 - 2) the victim agrees, as expressed through an advocate for the victim.
- d) Evaluation, treatment and supervision are intended to decrease recidivism among juveniles who commit sex offenses, thereby reducing the number of victims of sexual assault.
- e) Treatment shall be clinically based with a clear plan to:
 - 1) build on the youth's personal competencies;
 - 2) improve the overall health of the juvenile and ensure that his/her environment promotes the development of internal and external resources to manage his/her sexual behavior; and
 - 3) reduce recidivism.

SUBPART B: PROVIDER QUALIFICATIONS AND APPROVAL

Section 1910.40 Provider List

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

The Board will establish an approved provider list with the names of all individuals who are approved by the Board to provide evaluation and treatment of juvenile sex offenders, along with the category of services the providers are approved to provide (e.g., treatment or evaluation). Providers will be placed on the list if they complete the application process described in Section 1910.60, meet the requirements in Section 1910.50, and meet the qualifications and requirements that correspond to the designation sought.

- a) Individuals who meet the qualifications of Section 1910.50(b) will be approved for conducting evaluations of:
 - 1) Juveniles who have committed a sex offense that is a felony who are being considered for probation, pursuant to Section 16(b) of the Act; and
 - 2) Juveniles found guilty of a sex offense pursuant to 705 ILCS 405/5-701.
- b) Individuals who meet the qualifications of Section 1910.50(c) will be approved to provide sex offender treatment to any juvenile who is required to undergo treatment from a provider approved by the Board.

Section 1910.50 Provider Qualifications

- a) General Requirements
 - 1) An individual shall not provide evaluation or treatment services to juveniles who have committed sex offenses if he/she has:
 - A) been convicted of a felony;
 - B) been convicted of any misdemeanor involving a sex offense;
 - C) had a professional license placed on an inactive status, suspended, revoked or placed on probationary status for disciplinary reasons, unless the provider has been restored to full practice rights;
 - D) been found by any licensing body to have engaged in unethical or unprofessional conduct, unless the provider has been restored to full practice rights; or

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- E) been engaged in deceit or fraud in connection with the delivery of services or supervision or the documentation of their credentials.
- 2) A provider has a continuing duty to notify the Board if he/she becomes disqualified under this subsection (a).
- b) Qualifications for Provision of Evaluations
Individuals who evaluate juveniles who have committed sex offenses must:
 - 1) meet the definition of Licensed Practitioner of the Healing Arts (LPHA) as defined in 59 Ill. Adm. Code 132.25, which includes physicians licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60]; advanced practice nurses with a psychiatric specialty licensed under the Nursing and Advanced Practice Nursing Act [225 ILCS 65]; clinical psychologists licensed under the Clinical Psychologist Licensing Act [225 ILCS 15]; licensed clinical social workers licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20]; licensed clinical professional counselors licensed under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]; or licensed marriage and family therapists licensed under the Marriage and Family Therapist Licensing Act [225 ILCS 55];
 - 2) have 400 hours of supervised experience in the treatment/evaluation of sex offenders in the past 4 years, at least 200 of which are in face-to-face evaluation or treatment with juveniles who have committed sex offenses;
 - 3) have completed at least 10 sex offender evaluations of juveniles who have committed sex offenses within the past 4 years; and
 - 4) have at least 40 hours of documented training in the specialty of sex offender evaluation, treatment and management, 20 of which address juveniles who commit sex offenses, or work under the supervision of a provider who meets the requirements of this subsection (b).
- c) Qualifications for Treatment Providers
Individuals who provide treatment must:

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 1) meet the definition of Licensed Practitioner of the Healing Arts (LPHA) as defined in 59 Ill. Adm. Code 132.25, which includes physicians licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60]; advanced practice nurses with a psychiatric specialty licensed under the Nursing and Advanced Practice Nursing Act [225 ILCS 65]; clinical psychologists licensed under the Clinical Psychologist Licensing Act [225 ILCS 15]; licensed clinical social workers licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20]; licensed clinical professional counselors licensed under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]; or licensed marriage and family therapists licensed under the Marriage and Family Therapist Licensing Act [225 ILCS 55].
 - 2) have 400 hours of supervised experience in the treatment of sex offenders in the past 4 years, at least 200 of which are in face-to-face treatment of juveniles who have committed sex offenses; and
 - 3) have 40 hours documented training in the specialty of the evaluation, treatment and management of juveniles who have committed sex offenses, or work under the supervision of a treatment provider who meets the requirements of this subsection (c).
- d) Career entrants (graduate or undergraduate students; trainees, interns and/or new employees) must have 20 hours of pre-service training and work under the supervision of a staff member who meets the requirements of subsections (a) and (b) or (c) of this Section.
- e) Areas of training that will meet the requirements established in this Section include but are not limited to:
- 1) dynamics of juvenile sex offending
 - 2) sexual assault cycle
 - 3) prevalence of sexual assault
 - 4) re-offense and risk of re-offense

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 5) offender characteristics
- 6) differences and similarities between juveniles and adults who commit sexual offenses
- 7) evaluation and assessment of juveniles
- 8) current professional research and practices
- 9) informed supervision: community management and supervision
- 10) interviewing skills
- 11) victim issues
- 12) sex offense specific treatment
- 13) qualifications and expectations of evaluators and treatment providers
- 14) relapse prevention
- 15) objective measurement tools
- 16) determining progress/outcome planning
- 17) denial
- 18) special needs populations
- 19) cultural, ethnic and gender awareness
- 20) family dynamics and interventions
- 21) developmental theory
- 22) trauma theory: secondary and vicarious
- 23) impact: professional's experience of secondary trauma

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- f) Client Records
 - 1) Approved providers shall maintain client files in accordance with the professional standards of their individual disciplines and with Illinois law on health care records.
 - 2) The contents of the case record shall reflect compliance with the standards of the Board.

Section 1910.60 Application

- a) A provider seeking placement on the approved provider list must complete and submit to the Board an application form provided by the Board that contains the elements prescribed in this Section and identifies the services for which the provider seeks approval. The elements of the application include:
 - 1) provider identification, including name, business address, telephone number, fax number and e-mail address;
 - 2) a listing of the counties in which the applicant provides services;
 - 3) a listing of any and all currently held licenses or certifications;
 - 4) identification of any languages other than English in which the applicant is fluent and can provide services;
 - 5) the applicant's separate attestations that none of the bars to eligibility listed in Section 1910.50(a)(1)-(5) apply;
 - 6) separate attestations that the applicant meets each of the qualifications applicable to the types of service he or she will provide;
 - 7) an agreement that the applicant will conduct sex offender evaluations and/or provide treatment in accordance with the requirements of this Part.
 - 8) attestation that the applicant's submission of false information will result in removal from the approved provider list; and

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 9) an agreement to notify the Board immediately if the provider becomes ineligible under Section 1910.50(a)(1)-(5).
- b) Applicants shall provide certified copies of degrees, licenses, certifications or any other documentation upon request of the application review committee.
- c) Failure to provide any information requested by the committee, including certified copies of degrees, licenses or certifications, may result in denial of approval or removal from the approved provider list.

Section 1910.70 Application Review and Approval

Submitted applications will be referred to an application review committee, appointed by the Board, for review and approval.

- a) The committee will consist of no fewer than 3 members, including one sex offense specific treatment provider, one sex offense specific evaluator, and one victim advocate.
- b) No committee member holding a personal or financial interest in an application before the committee shall participate in the deliberation or the vote on approval of the application.
- c) The committee shall review the application and, within 45 days after receipt of the application, shall either:
 - 1) if it appears to the committee that all requirements for the type of approval applied for are met, direct that the applicant's name be added to the approved provider list and notify the applicant; or
 - 2) if deficiencies are found in the application, notify the applicant of the deficiencies in writing. An application may be resubmitted after the deficiencies have been corrected.

Section 1910.80 Appeal of Application Denial

An applicant whose application for placement on the approved provider list is denied may appeal the decision of the application review committee by requesting review by the Board.

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- a) The request must be made in writing and received by the Board within 30 days after the denial was mailed to the business address supplied by the applicant.
- b) The applicant must submit with the appeal all of the documentation necessary and available to support placement on the list.
- c) Copies of the appeal, including supporting documentation, will be provided to each Board member, and the appeal shall be considered on the next regularly scheduled meeting of the Board held more than two weeks after receipt of the appeal.
- d) The vote of the Board shall be final, and the Board will notify the applicant of the result within two weeks after the Board's action.
- e) Individuals whose applications have been denied may re-apply when the circumstances leading to the original denial of placement on the approved provider list have substantively changed.

Section 1910.90 Removal from Provider List

The Board may rescind its approval of a person on the approved provider listing for any of the following reasons:

- a) The provider was not, in fact, qualified for placement on the list at the time of application, but was placed on the list on the basis of false or erroneous information provided with the application.
- b) Circumstances have changed so that the provider is no longer eligible for placement on the list under Section 1910.50(a).
- c) The provider has substantially failed to follow the agreement to conduct evaluations and provide treatment in accordance with the requirements of this Part. For purposes of this Section, a substantial failure is one that is detrimental to the community and/or the juvenile who has committed a sex offense.
- d) If a provider is removed from the list, the Board will inform any regulatory body with jurisdiction over the provider's professional license, if any.

Section 1910.100 Complaints Against Providers

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

Should any person have reason to believe that the Board's approval of a provider should be rescinded, the person may submit the concern to the Board in writing, together with any available documentation. Complaints will be reviewed in accordance with the procedures set forth in this Section.

- a) The Board will refer the complaint to a committee it empowers for that purpose, and the committee will make a determination of whether the complaint alleges cause to rescind approval under Section 1910.90. The Board will notify the provider in question of receipt of a complaint and its nature, and if the complaint does allege cause to rescind, will request a written response from the provider within 30 days after receipt of the notice.
- b) The committee shall review all information presented and determine whether the provider shall remain approved or whether approval shall be rescinded. The committee shall provide written notification of the decision, including the rationale, to the provider and the complainant within 30 days after the committee's receipt of the provider's response or, if there is no response, within 30 days after the committee's notification to the provider.
- c) If the committee rescinds approval, it shall instruct the provider as to circumstances under which the provider may be reinstated.
- d) For 35 days after the committee notifies the provider, the provider may appeal to the Board the decision of the committee to rescind approval. On appeal, the pertinent documentation shall be provided to the full Board for review at the next regularly scheduled meeting of the Board held more than 30 days after the receipt of the appeal. The provider shall have the opportunity to appear before the Board with respect to the appeal or, if unable to attend the meeting at which the matter is to be considered, to submit a statement to the Board. The provider shall be notified in writing of the decision of the Board within 30 days after Board consideration is complete.
- e) The decision of the Board shall be final.

SUBPART C: STANDARDS OF PRACTICE

Section 1910.110 Ethical Standards

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

All providers of evaluation or treatment of juveniles who commit sex offenses subject to this Part are to adhere to the Ethical Principles in the Professional Code of Ethics (2001 Edition) published by the Association for the Treatment of Sexual Abusers (ATSA) (4900 S.W. Griffith Drive, Suite 274, Beaverton, Oregon 97005; Web: www.atsa.com). A copy of the Code is available at the Office of the Chair of the Board in the Office of the Illinois Attorney General, 100 W. Randolph St., 12th Floor, Chicago, Illinois 60601 or on the Board's web site at <http://www.illinoisattorneygeneral.gov/communities/somb>. This incorporation by reference does not include any later amendments or additions.

Section 1910.120 Confidentiality

- a) Service providers shall notify all clients of the limits of confidentiality imposed by Illinois mandatory reporting requirements. (See the Abused and Neglected Child Reporting Act [325 ILCS 5].)
- b) Juveniles who have committed sexual offenses and their parents or legal guardians shall be advised by the service provider to sign a consent for purposes of evaluation, treatment, supervision and case management, to protect victims or potential victims, and to support ongoing communication between members of the MDT.
- c) In the absence of consent, the juvenile and parent/guardian must be fully informed by the service provider of alternative dispositions that may occur.

Section 1910.130 Evaluation

- a) Juveniles who have been adjudicated for a sexual offense or for whom a continuance under supervision has been entered as a result of a sexual offense shall have a comprehensive evaluation.
- b) The evaluation of juveniles who have committed sexual offenses has the following purposes:
 - 1) To assess overall risk to the community;
 - 2) To provide protection for victims and potential victims;

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 3) To provide a written clinical summary of the juvenile's strengths, risks, deficits, including any and all co-morbid conditions or developmental disorders;
 - 4) To identify and document treatment and developmental needs;
 - 5) To determine amenability for treatment;
 - 6) To identify individual differences, potential barriers to treatment, and static and dynamic risk factors;
 - 7) To make recommendations for the management and supervision of the juvenile; and
 - 8) To provide information that can help identify the type and intensity of community based treatment, or the need for a more restrictive setting.
- c) The evaluator shall describe to the juvenile and the parents or guardians evaluation methods, how the information will be used, with whom it will be shared and the nature of the evaluator's relationship with the juvenile and with the court.
 - d) The evaluator shall respect the juvenile's right to be fully informed about the evaluation procedures.
 - e) The evaluator shall review the results of the evaluation with the juvenile and the parent or guardian.
 - f) The evaluator shall disclose his/her responsibility as a mandated reporter to report suspected or known child abuse to the Department of Children and Family Services and/or to make a referral to law enforcement if additional crimes have been committed by the juvenile being evaluated.
 - g) Evaluators shall select evaluation procedures relevant to the individual circumstances of the case and commensurate with their level of training and expertise.
 - h) Evaluation methods shall include the use of clinical interviews and procedures, screening level tests, self-report, observational data, advanced psychometric

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

measurements, special testing measures, examination of juvenile justice information, psychological reports, mental health evaluations, school records, details of the offense, including victim statements, and collateral information, including the juvenile's history of sexual offending and/or abusive behavior. A combination of these shall be used to evaluate juveniles who commit sex offenses.

- 1) When clinically-indicated, evaluators may use physiological instruments such as the polygraph, plethysmograph or Abel Assessment so long as the instrument is suited for use with juveniles whose functioning is consistent with that of the juvenile being evaluated.
- 2) The provider must consult the MDT prior to the use of physiological instruments for juveniles who have committed sex offenses and are being evaluated.

Section 1910.140 Phases of Juvenile Evaluation

Evaluation shall occur in 5 phases:

- a) Pre-trial investigation. The initial phase of information gathering shall involve law enforcement officers, child protective services, and other professionals deemed necessary for investigative purposes and management of community safety. Information and/or evaluations compiled before an admission of guilt are considered the least reliable and incomplete.
- b) Presentence and post-adjudication evaluation. The evaluation focuses on dangerousness, risk, placement and amenability to treatment and must be completed prior to sentencing to identify the juvenile's level of dangerousness and risk, residential needs, level of care, and treatment referrals.
- c) Ongoing needs assessment. Treatment planning and the juvenile's progress in treatment and compliance with supervision are reviewed on an ongoing basis. Level of risk shall be a critical consideration at transition points such as discharge from a residential treatment center to home or transfer from a campus school to a community school and includes considerations of level of functioning, monitoring, and follow-up.
- d) Release or termination evaluation. Prior to discharge from treatment or a residential treatment center or when the level of care changes, e.g., upon release

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

from DOC, the evaluation is updated with a focus on community safety, reduced risk, and successful application of treatment tools. The final evaluation report shall make recommendations for follow-up and aftercare services.

- e) Follow-up/monitoring. Probation/parole or other supervising agents or the caseworker must continue monitoring the juvenile's level of risk and treatment needs for as long as the court retains jurisdiction.

Section 1910.150 Elements of Juvenile Evaluation

- a) Evaluation of juveniles who have committed sexual offenses shall be comprehensive and ongoing. The evaluator shall be sensitive to any cultural, language, ethnic, developmental, sexual orientation, gender, gender identification, medical, and/or educational issues that may arise during the evaluation.
- b) The comprehensive evaluation shall assess the juvenile in the following areas:
 - 1) cognitive functioning, including educational history;
 - 2) personality, mental health, mental disorders;
 - 3) social/developmental history;
 - 4) current individual functioning;
 - 5) current family functioning;
 - 6) sexual background and history, to include function and dysfunction;
 - 7) delinquency and conduct/behavioral issues, including substance or alcohol abuse;
 - 8) assessment of risk to re-offend;
 - 9) community risks and protective factors;
 - 10) victim impact;
 - 11) external relapse prevention strategies, including informed supervision; and

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 12) amenability to treatment.

Section 1910.160 Evaluation Recommendations and Report

- a) Recommendations regarding intervention shall be based on a juvenile's level of risk and needs as determined by the sex offender-specific evaluation.
- b) Evaluation reports shall be provided in writing to members of the MDT, provided that consent has been given.
- c) Evaluation reports shall:
 - 1) describe the juvenile's strengths, deficits, risks for re-offense and all co-morbid conditions and/or developmental disorders;
 - 2) recommend the management and supervision strategies for the juvenile;
 - 3) recommend the type and intensity of treatment; and
 - 4) recommend placement options that protect victims and potential victims ranging from placement in a family home through secure care in a locked facility.

Section 1910.170 Treatment

- a) The primary treatment provider, in consultation with the MDT, shall refer juveniles living in the community, residential treatment programs, or correctional facilities for individual, group, or family therapy or other adjunct services.
- b) Sex offense specific treatment shall be designed to address strengths, risks and deficits and all areas of need identified by the evaluation (described in Section 1910.60) and shall:
 - 1) provide for the protection of past and potential victims and protect victims from unsafe or unwanted contact with the juvenile;

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 2) include treatment goals and interventions that are individualized to improve individual and family functioning and enhance the abilities of support systems to respond to the juvenile's needs and concerns;
- 3) favor continuity in caregiver relationships;
- 4) implement interventions that address the juvenile's need for pro-social peer relationships, activities, and success in educational/vocational settings;
- 5) define participation and informed supervision expectations for the juvenile, the family/caregivers, educators, and members of the juvenile's support systems;
- 6) develop detailed, long-term relapse prevention, safety, and aftercare plans to address risks and deficits that remain unchanged; and
- 7) describe relevant and measurable outcomes that will be the basis of determining successful completion of treatment.

Section 1910.180 Treatment Provider – Juvenile Contracts and Consent Agreements

- a) Providers shall develop and utilize a written treatment contract and consent agreement with each juvenile who has committed a sexual offense prior to the commencement of treatment.
- b) Treatment contracts and consent agreements shall address victim and public safety and shall be consistent with the conditions of the supervising agency. The treatment contract and consent agreement shall define the specific responsibilities and rights of the provider, and shall be signed by the provider, parent/guardian, and the juvenile. (Sample treatment plans are available from the Board.)
- c) At a minimum, the treatment contract and consent agreement shall explain the responsibility of a provider to:
 - 1) define and provide timely statements of the applicable costs of evaluation, assessment, and treatment, including all medical and psychological testing, physiological tests, and consultations;

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 2) describe the waivers of confidentiality, describe the various parties, including the MDT, with whom treatment information will be shared during the course of treatment, and inform the juvenile and parent/guardian that information may be shared with additional parties on a need to know basis;
 - 3) describe the right of the juvenile or the parent/legal guardian to refuse treatment and/or to refuse to waive confidentiality, and describe the risks and the potential outcomes of that decision;
 - 4) describe the procedure necessary for the juvenile or the parent/legal guardian to revoke the waiver and describe the relevant time limits;
 - 5) describe the type, frequency, and requirements of treatment and outline how the duration of treatment will be determined; and
 - 6) describe the limits of confidentiality imposed on providers by Illinois statutes on mandatory reporting [325 ILCS 5/4].
- d) At a minimum, the treatment contract and consent agreement shall explain the responsibilities of the juvenile and his/her parent/guardian and shall include but are not limited to:
- 1) compliance with the limitations and restrictions placed on the behavior of the juvenile as described in the terms and conditions of diversion, probation, parole, Department of Human Services, community corrections, or the Department of Corrections, and/or in the terms of the agreement between the provider and the juvenile;
 - 2) compliance with conditions that provide for the protection of past and potential victims, and that protect victims from unsafe or unwanted contact with the juvenile;
 - 3) participation and progress in treatment;
 - 4) payment for the costs of evaluation and treatment of the juvenile and family, if family treatment is identified as a treatment need in the evaluation;

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 5) notification of third parties (i.e., employers, partners, etc.); and
- 6) notification of the treatment provider of any relevant changes or events in the life of the juvenile or the juvenile's family/support system.

Section 1910.190 Treatment Plans

- a) Providers, in concert with the MDT, shall develop written treatment plans with measurable goals based on the individualized evaluation and assessment of the juvenile.
- b) Sex offense specific treatment methods and intervention strategies shall be used and shall include a combination of individual, group and family therapy unless contraindicated.
- c) The treatment plan shall be reviewed by the treatment provider and the MDT at a minimum of every three months or at each transition point, and revisions shall be made as indicated by the youth's progress in treatment.

Section 1910.200 Treatment Methods

- a) Sex offense specific treatment shall focus on eliminating abusive behavior by decreasing deviant thinking, impulses, and dysfunction; restructuring distorted thinking patterns that are supportive of continued offending; and improving overall health with the goal of decreased risk.
- b) Sex offense specific treatment and intervention strategies shall be used and include a combination of individual, group, and family therapy unless contraindicated.
- c) When clinically indicated, the provider may use physiological instruments such as the polygraph, plethysmograph, or Abel Assessment of Sexual Interests so long as the instrument is suited for use with juveniles whose functioning is consistent with that of the juvenile receiving treatment.
- d) Empirically-supported treatment modalities currently indicated by research to be best practice based on treatment outcomes are preferred. The following are the preferred practices:

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 1) Individual therapy shall be used to address sex offense specific issues and attendant mental health issues, if present, and/or to support the juvenile in addressing issues in group, family, or milieu therapy. Provider to client ratio shall be 1:1.
- 2) Group therapy, proven to be one of the most effective treatment modalities for juveniles, is recommended and may be used to provide psycho-education, promote development of pro-social skills, and provide positive peer support. It may also be used for group process. Provider to client ratios shall be no less than 1:8 or 2:12.
- 3) Family therapy addresses family systems issues and dynamics. This model shall address, at a minimum, informed supervision, therapeutic care, safety plans, relapse prevention, reunification, and aftercare plans. Provider to client ratios shall be no less than 1:8 or 2:12. Because victims of juveniles who have committed sex offenses are often family members (e.g., younger siblings or foster siblings), the following conditions must be met prior to the initiation of family therapy:
 - A) The parent or guardian must give consent;
 - B) The victim must be receiving victim advocacy services, including therapy, and agree to participate in family therapy;
 - C) A child advocate for the victim must approve the victim's participation in family therapy in writing; and
 - D) The approved service provider, along with the MDT, has considered the risk of re-traumatization of the victim by having contact with the juvenile who committed the sex offense, and concluded that family therapy would be beneficial. Offender accountability and the assignment of responsibility are major determinants of whether family contact occurs.
- 4) Multi-family groups provide education, group process, and/or support for the parent and/or siblings of the juvenile. Inclusion of the juvenile is optional.

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- A) The treatment provider is responsible for establishing and maintaining confidentiality.
 - B) Staff to client ratios shall be designed to provide safety for all participants.
 - C) Provider: Client ratios shall be no less than 1:8; 2:15; 3:18; or 4:24.
- 5) Psycho-education is required to teach definitions, concepts, and pro-social skills and must be offered in a group setting. Provider to client ratios shall be no less than 1:12 or 2:20.
 - 6) Milieu therapy is used in residential treatment settings to supervise, observe, and intervene in the daily functioning of the juvenile. Provider to client ratios shall not be less than the following: 1:8 for juveniles 10-12 years of age; 1:10 for juveniles 13 years old and older.
 - 7) Dyadic therapy is used when the treatment provider deems it beneficial and clinically appropriate.
 - 8) Self-help or time limited treatments are used as adjuncts to enhance goal oriented treatment. Adjunct treatments must be complementary to sex offense specific treatment.

Section 1910.210 Progress Review and Discharge

- a) At least quarterly, and in advance of planned discharge, the treatment provider shall convene the MDT to appraise the youth's progress in treatment and update the treatment plan based on progress reports from the treatment provider.
- b) Discharge/termination recommendations shall be based on the youth's progress in treatment, improved functioning in home, school, and community, compliance with the safety plan, and acceptance of responsibility for the sex offense.

Section 1910.220 Successful Completion of Treatment

- a) Successful completion of sex offense specific treatment requires the following:

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 1) accomplishment of all of the goals identified in the treatment plan;
 - 2) demonstrated application in the juvenile's daily functioning of the principles and tools learned in sex offense specific treatment;
 - 3) consistent compliance with treatment conditions;
 - 4) consistent compliance with supervision terms and conditions; and
 - 5) a completed written relapse prevention and aftercare plan that addresses remaining risks and deficits, and that has been reviewed and agreed upon by those responsible for the juvenile's treatment, care, support, supervision, and monitoring, including the MDT, the family and the community support system.
- b) Any exception made to any of the requirements for successful completion of treatment shall be made by the treatment provider in consultation with the MDT. The treatment provider shall document the reasons for the determination that treatment has been completed without meeting all treatment requirements and note the potential risk to the community.
- c) Based on a determination by the treatment provider and MDT, juveniles who pose an ongoing risk of harm to the victim or community, even though determined to have successfully completed treatment, will require ongoing supervision and/or treatment to manage their risk in aftercare as they re-integrate into the community.
- d) The supervising officer/agency may seek a means of continued court ordered supervision, i.e., extension or revocation and re-granting of probation/supervision for a juvenile who has been otherwise compliant but has not achieved his/her treatment goals by an approaching supervision expiration date.
- e) If the juvenile is no longer under the authority of the juvenile court, poses a known risk to others in the community, and is beyond the control of his or her parent, guardian or custodian, the treatment provider shall convene the MDT to consider petitioning the juvenile court to adjudicate the minor a "minor requiring of authoritative intervention".

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- f) If supervision is not continued and the juvenile has not completed treatment, the discharge summary shall note the continued risks and delineate the requirements for the juvenile's registration as a sex offender.
- g) The MDT shall not recommend termination of sex offense specific treatment without completion. When the approved provider and the MDT have determined that a juvenile is not making progress and will not benefit from continued sex offense specific treatment, the juvenile shall be referred to the referring or placing agent for further action.

SUBPART D: SUPERVISION, RISK MANAGEMENT
AND ACCOUNTABILITY**Section 1910.230 Multidisciplinary Team**

The purpose of the MDT is to supervise and monitor the juvenile through shared information. The MDT may include clinical providers, supervising agents, parents or caregivers, and others who have relevant information about the juvenile. The information that is gathered is the basis of the ongoing assessment of risk, identifies any changes in the youth's clinical needs or need for supervision, and documents the juvenile's progress in treatment. The MDT meets at least quarterly.

- a) The MDT may make recommendations regarding:
 - 1) the juvenile's evaluation, treatment, treatment plan, safety plan, placement, and supervision;
 - 2) any change in the level of supervision and/or in the juvenile's placement; and
 - 3) any proposed contact between the victim and the juvenile who committed the sexual offense.
- b) After adjudication or a continuance under supervision has been entered, and a referral to probation, parole, or out-of-home placement has been made, the MDT may be convened by the treatment provider, the supervising agent or the caseworker if one is assigned.
- c) The convener of the MDT shall invite the following individuals to team meetings:

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 1) a designee from the supervising office/agent;
 - 2) Department of Children and Family Services caseworker, if the Department is responsible for the juvenile;
 - 3) the juvenile's caregiver (parent, guardian, residential placement representative);
 - 4) the sex offense specific treatment provider (outpatient or residential) and all other clinical services providers;
 - 5) the polygraph examiner, when utilized;
 - 6) victim representative or advocate; and
 - 7) others who can provide relevant information to the MDT.
- d) At the first meeting, members of the MDT shall determine:
- 1) Whether others are necessary to the composition of the MDT;
 - 2) the frequency of MDT meetings:
 - A) if the schedule is different from the required quarterly meeting;
 - B) if meetings are scheduled because of a change in the youth's placement or level of supervision; or
 - C) if there is proposed contact with the victim;
 - 3) the content and goals of team meetings, including the information that will be exchanged; and
 - 4) who is responsible for maintaining records of the MDT's recommendations, decisions and actions.

Section 1910.240 Placement

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- a) The three goals of placement shall be the protection of victims and potential victims, community safety, and, as a part of treatment, building the competencies of the juvenile.
- b) Unless there is a court order regarding a juvenile's placement, placement recommendations shall be developed collaboratively by the treatment provider and other members of the MDT. The MDT shall consider whether the placement is the least restrictive setting that can provide adequate supervision, structure, and treatment to prevent future offending behavior.
- c) Parents or designated caregivers in any placement setting shall be informed about the juvenile's offense history, identified risks, treatment plan, and supervision needs. Placement should occur only if the parent/caregiver understands and agrees to comply with all supervision requirements.
- d) Placement decisions and placement review shall be based on an appraisal of the juvenile's level of risk and clinical needs identified during the evaluation.

Section 1910.250 Polygraph Examinations of Juveniles

- a) The approved provider, in consultation with the MDT, shall refer juveniles for polygraph examinations when therapeutically indicated.
- b) Prior to administering a polygraph, the polygraph examiner shall make the final determination of the juvenile's suitability for polygraph examination based on factors such as developmental and cognitive functioning, mental health, etc.
- c) The type and frequency of polygraph testing and the use of polygraph results in treatment and supervision shall be documented in the case record.
- d) Before commencing any polygraph examination with any juvenile who has committed a sexual offense, the polygraph examiner shall document that the juvenile, at each examination, has been provided a thorough explanation of the polygraph examination process and the potential relevance of the procedure to the juvenile's treatment and/or supervision. Review and documentation of informed assent will include information regarding the juvenile's right to terminate the examination at any time and to speak with his/her attorney if desired.

Section 1910.260 Accountability and Assignment/Acceptance of Responsibility

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- a) As an integral component of treatment, offenders are expected to establish their accountability, describe the nature of their behavior, and list what steps they have taken to accept responsibility for the offense in accountability sessions with others (i.e., victim's parents, family members, siblings, neighbors, fellow students).
- b) Assignment of the offender's accountability and responsibility for the offense is a process designed primarily to benefit the victim.
 - 1) Assignment of responsibility is a lengthy process that occurs over time, usually beginning with the juvenile's reduction of denial and ability to accurately self-disclose about the offending behavior.
 - 2) Information gained as a result of a specific issue polygraph is critical to the assignment of responsibility to the offender.
- c) The offender accountability process and the assignment of responsibility must be approved by the treatment provider in consultation with the MDT and specifically include the victim's therapist or an advocate. The following criteria shall be used to determine whether the accountability/assignment of responsibility process shall occur.
 - 1) The victim requests offender accountability and assignment of responsibility and the victim's therapist or advocate concurs that the victim would benefit.
 - 2) Parents/guardians of the victim (if a minor) and the juvenile offender are informed of and give approval for the accountability process and assignment of responsibility.
 - 3) The juvenile evidences empathic regard through consistent behavioral accountability, including an improved understanding of the victim's perspective, the victim's feelings, and the impact of the juvenile's offending behavior.
 - 4) The juvenile is able to acknowledge the victim's statements without minimizing, blaming, or justifying.

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- 5) All of the juvenile's statements should transfer any responsibility for the offense from the victim and to him/herself. The juvenile is prepared to answer questions, make a clear statement of accountability, and describe the rationale for victim selection to remove guilt and perceived responsibility from the victim.
 - 6) The juvenile is able to demonstrate the ability to manage abusive or deviant sexual interest/arousal specific to the victim.
 - 7) Any sexual impulses are at a manageable level and the juvenile can utilize cognitive and behavioral interventions to interrupt deviant fantasies as determined by continued assessment.
- d) The MDT may:
- 1) collaborate with the victim if age appropriate, victim's therapist or advocate, guardian, custodial parent, foster parent and/or guardian ad litem in making decisions regarding communication, visits, and reunification, in accordance with court directives.
 - 2) support the victim's wishes regarding contact with the juvenile to the extent that it is consistent with the victim's safety and well-being.
 - 3) arrange contact in a manner that places victim safety first. The psychological and physical well-being shall be a primary consideration.
- e) Contact between the victim and the juvenile who has committed the sex offense is first initiated through the process of assigning accountability and responsibility.
- f) Contact includes verbal or non-verbal communication, which may be indirect or direct, between a juvenile who has committed a sexual offense and a victim.
- g) Following commencement of the accountability/assignment of responsibility process and with the consensus of the approved provider and the MDT, contact may progress to supervised contact with an informed supervisor outside of a therapeutic setting.

Section 1910.270 Family Reunification

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

- a) A goal of family reunification may be established only if victim safety and continued recovery can be assured.
- b) The treatment provider, in collaboration with the MDT, shall make recommendations regarding reunification.
 - 1) Family reunification shall never take precedence over the safety of any victim.
 - 2) If reunification is indicated, after careful consideration of all the potential risks, the process shall be closely monitored by the approved provider and the MDT.
- c) Reunification may be considered only when all of the following conditions are met:
 - 1) the offender has accepted full responsibility for the offense;
 - 2) the victim has received treatment and an advocate for the victim concurs with reunification;
 - 3) the treatment provider and the MDT conclude that the juvenile has made significant progress toward goals and outcomes as evidenced in the quarterly review by the MDT; and
 - 4) the treatment provider and the MDT have determined that the parent/guardian has demonstrated the ability to provide informed supervision and:
 - A) the parent/guardian demonstrates the ability to initiate consistent communication with the victim regarding the victim's safety;
 - B) the family believes the abuse occurred, has received support and education, and accepts that potential exists for future abuse or offending; and
 - C) the family has established a relapse prevention plan that extends into aftercare and includes evidence of a comprehensive

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF PROPOSED RULES

understanding of the offending behaviors and implementation of safety plans.

- d) With the MDT, the treatment provider shall continue to monitor family reunification and recommend services according to the treatment plan.
 - 1) Family reunification does not indicate completion of treatment.
 - 2) Reunification may illuminate further or previously un-addressed treatment issues that may require amendments to the treatment plan.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Number: 1650.520 Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]
- 5) A Complete Description of the Subjects and Issues Involved: The System is amending its Suspension of Benefits rule to give staff discretion whether to suspend benefit payments made through State warrant when two warrants go uncashed. In most instances the problem is resolved through a contact with the member or the member's representative and there is no need to stop monthly benefit payments.
- 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 rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Thomas S. Gray
General Counsel
Teachers' Retirement System
2815 West Washington,

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

P. O. Box 19253
Springfield, Illinois 62794-9253

217/753-0375

- 13) Initial Regulatory Flexibility Analysis: This amendment will not affect small businesses.
- 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 2008

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 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 (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

| | |
|----------|--|
| | Rates (Repealed) |
| 1650.210 | Claim Applications |
| 1650.211 | Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity |
| 1650.220 | Reclassification of Disability Claim (Repealed) |
| 1650.221 | When Member Becomes Annuitant |
| 1650.222 | Death Out of Service |
| 1650.230 | Medical Examinations and Investigations of Claims (Repealed) |
| 1650.240 | Refunds; Canceled Service; Repayment |
| 1650.250 | Death Benefits |
| 1650.260 | Evidence of Age |
| 1650.270 | Reversionary Annuity – Evidence of Dependency |
| 1650.271 | Evidence of Parentage |
| 1650.272 | Eligible Child Dependent By Reason of a Physical or Mental Disability |
| 1650.280 | Evidence of Marriage |
| 1650.290 | Offsets |

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

| | |
|----------|--|
| Section | |
| 1650.301 | Early Retirement Without Discount – Return to Teaching from a Break in Service |
| 1650.310 | Effective Date of Membership |
| 1650.315 | Verifying Service Credit |
| 1650.320 | Method of Calculating Service Credits |
| 1650.325 | Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit |
| 1650.330 | Duplicate Service Credit |
| 1650.335 | Unreported Regular Service Credit and Earnings |
| 1650.340 | Service Credit for Leaves of Absence |
| 1650.341 | Service Credit for Involuntary Layoffs |
| 1650.345 | Service Credit for Periods Away From Teaching Due to Pregnancy |
| 1650.346 | Service Credit for Periods Away From Teaching Due to Adoption |
| 1650.350 | Service Credit for Unused Accumulated Sick Leave Upon Retirement |
| 1650.351 | Employer Contribution for Excess Sick Leave |
| 1650.355 | Purchase of Optional Service – Required Minimum Payment |
| 1650.356 | Payroll Deduction Program (Repealed) |
| 1650.357 | Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed) |
| 1650.360 | Settlement Agreements and Judgments |
| 1650.370 | Calculation of Average Salary (Renumbered) |

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney
- 1650.540 Conservators/Guardians
- 1650.550 Presumption of Death
- 1650.560 Benefits Payable on Death
- 1650.561 Valid Beneficiary Designations

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

| | |
|----------|--|
| 1650.570 | Survivors' Benefits |
| 1650.571 | Payment of Monthly Survivor Benefits to a Trust |
| 1650.575 | Full-time Student – Receipt of Survivors Benefits Until Age 22 |
| 1650.580 | Evidence of Eligibility |
| 1650.590 | Comptroller Offset |
| 1650.595 | Overpayments |

SUBPART G: ATTORNEY GENERALS' OPINION

Section

| | |
|----------|--|
| 1650.605 | Policy of the Board Concerning Attorney Generals' Opinion (Repealed) |
|----------|--|

SUBPART H: ADMINISTRATIVE REVIEW

Section

| | |
|----------|---|
| 1650.610 | Staff Responsibility |
| 1650.620 | Right of Appeal |
| 1650.630 | Form of Written Request |
| 1650.635 | Presiding Hearing Officer – Duties and Responsibilities |
| 1650.640 | Prehearing Procedure |
| 1650.641 | Claims Hearing Committee Hearing Packet |
| 1650.650 | Hearing Procedure |
| 1650.660 | Rules of Evidence (Repealed) |

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section

| | |
|----------|------------|
| 1650.710 | Amendments |
|----------|------------|

SUBPART J: RULES OF ORDER

Section

| | |
|----------|-------------------------|
| 1650.810 | Parliamentary Procedure |
|----------|-------------------------|

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section

| | |
|----------|---------------------|
| 1650.910 | Summary and Purpose |
| 1650.920 | Definitions |

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

| | |
|----------|---|
| 1650.930 | Submission of Requests |
| 1650.940 | Form and Content of FOIA Requests |
| 1650.950 | Appeal of a Denial |
| 1650.960 | Executive Director's Response to Appeal |
| 1650.970 | Response to FOIA Requests |
| 1650.980 | Inspection of Records at System Office |
| 1650.990 | Copies of Public Records |
| 1650.995 | Materials Available Under Section 4 of FOIA |

SUBPART L: BOARD ELECTION PROCEDURES

| | |
|-----------|---|
| Section | |
| 1650.1000 | Nomination of Candidates |
| 1650.1001 | Elections Date/Election Day – Defined |
| 1650.1010 | Petitions |
| 1650.1020 | Eligible Voters |
| 1650.1030 | Election Materials |
| 1650.1040 | Marking of Ballots |
| 1650.1050 | Return of Ballots |
| 1650.1060 | Observation of Ballot Counting |
| 1650.1070 | Certification of Ballot Counting |
| 1650.1080 | Challenges to Ballot Counting |
| 1650.1090 | Special Election to Fill Un-Expired Term of Elected Trustee |

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

| | |
|-----------|--|
| Section | |
| 1650.1110 | Definitions |
| 1650.1111 | Requirements for a Valid Qualified Illinois Domestic Relations Order |
| 1650.1112 | Requirements for a Valid QILDRO Calculation Order |
| 1650.1113 | Required Forms |
| 1650.1114 | Filing a QILDRO or a Calculation Order with the System |
| 1650.1115 | Benefits Affected by a QILDRO |
| 1650.1116 | Effect of a Valid QILDRO |
| 1650.1117 | QILDROs Against Persons Who Became Members Prior to July 1, 1999 |
| 1650.1118 | Alternate Payee's Address |
| 1650.1119 | Electing Form of Payment |
| 1650.1120 | Automatic Annual Increases |
| 1650.1121 | Reciprocal Systems QILDRO Policy Statement (Repealed) |

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1650.1122 Providing Benefit Information for Divorce Purposes
- 1650.1123 Suspension and Expiration of a QILDRO
- 1650.1124 Income Tax Reporting
- 1650.1125 Lump-Sum Death Benefit Allocation to Alternate Payee

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section

- 1650.1200 Payroll Deduction Program Guidelines
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations
- 1650.1203 Payroll Deduction Program – Full Time Employment Defined
- 1650.1204 Payroll Deduction Program – Disability Defined
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

SUBPART O: RETIREMENT 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;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

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 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, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section 1650.520 Suspension of Benefits

- a) Monthly benefit payments to annuitants mayshall be suspended when two monthly warrants remain uncashed. The System shall inquire as to the cause for the non-cashing of the warrants. These and subsequent payments shall be made upon learning the circumstances or whereabouts of the warrants, or upon prompt compliance in cashing the warrantssame.
- b) Recipients of a non-occupational disability benefit, occupational disability benefit, disability retirement annuity, or ~~a~~-monthly survivor benefit who fail to return documentation of continued eligibility within the specified time period shall have their monthly benefit payment suspended. Upon receipt of the required documentation and upon determination of continued eligibility, these and subsequent payments shall be made.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Registration and Reporting Requirements for Radiation Machine Service Providers
- 2) Code Citation: 32 Ill. Adm. Code 322
- 3)

| <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 322.20 | Amendment |
| 322.40 | Amendment |
| 322.50 | Amendment |
| 322.60 | Amendment |
| 322.80 | Amendment |
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40/7a]
- 5) Effective Date of Amendments: October 6, 2008
- 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 4863; April 11, 2008
- 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 agreement letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: The Agency is adopting this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the former Illinois Department of Nuclear Safety. All references to the "Department" are changed to "Agency."
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 322

REGISTRATION AND REPORTING REQUIREMENTS
FOR RADIATION MACHINE SERVICE PROVIDERS

Section

| | |
|--------|--|
| 322.10 | Purpose and Scope |
| 322.20 | Incorporations by Reference |
| 322.30 | Definitions |
| 322.40 | Exemptions |
| 322.50 | Registration |
| 322.60 | Fees |
| 322.70 | Training Requirements for Individuals Who Install or Service Radiation Machines |
| 322.80 | Reporting and Recordkeeping Requirements for Radiation Machine Service Providers |
| 322.90 | Penalties |

AUTHORITY: Implementing and authorized by Section 25.2 of the Radiation Protection Act of 1990 [420 ILCS 40/25.2].

SOURCE: Adopted at 26 Ill. Reg. 1711, effective February 1, 2002; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. 16759, effective October 6, 2008.

Section 322.20 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the [Illinois Emergency Management Agency](#)~~Department of Nuclear Safety~~, 1035 Outer Park Drive, Springfield, Illinois.

(Source: Amended at 32 Ill. Reg. 16759, effective October 6, 2008)

Section 322.40 Exemptions

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

An operator of a radiation installation that is registered with the AgencyDepartment under 32 Ill. Adm. Code 320 is not required to register pursuant to this Part to service the radiation machines that it owns or leases when the work is performed by employees of the operator.

(Source: Amended at 32 Ill. Reg. 16759, effective October 6, 2008)

Section 322.50 Registration

- a) Each radiation machine service provider that intends to install or service radiation machines in the State of Illinois shall register with the AgencyDepartment within 60 days after February 1, 2002 or prior to initially furnishing or offering to furnish any such service and annually thereafter.
- b) Registration shall be on a form prescribed by the AgencyDepartment that shall include, but shall not be limited to:
 - 1) Name, address, and telephone number of the radiation machine service provider;
 - 2) Name, address, and telephone number of the individual responsible for the activities of the radiation machine service provider.
- c) The AgencyDepartment shall maintain a listing of registered radiation machine service providers.

AGENCY NOTE: Registration under this Part is required for all entities that install radiation machines. It is the Agency'sDepartment's intent to require registration of businesses. Individuals are not required to register unless they are radiation machine service providers engaged in business as sole proprietors.

(Source: Amended at 32 Ill. Reg. 16759, effective October 6, 2008)

Section 322.60 Fees

All radiation machine service providers shall pay an annual non-refundable registration fee of \$100. All new radiation machine service providers shall pay a registration fee of \$100, which shall serve as the registration fee for the remainder of the calendar year. The fee shall be due and payable within 60 days after the date of billing. Failure to pay the required fee within the 60 day

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

timeframe shall result in the removal of authorization by the AgencyDepartment to provide radiation machine services in the State of Illinois or other actions consistent with the Act.

(Source: Amended at 32 Ill. Reg. 16759, effective October 6, 2008)

Section 322.80 Reporting and Recordkeeping Requirements for Radiation Machine Service Providers

- a) A radiation machine *service provider who installs a radiation machine in the State of Illinois must report the installation to the AgencyDepartment*. [420 ILCS 40/25.2(b)]
 - 1) A radiation machine service provider shall submit the following information in writing to the AgencyDepartment within 15 days after installation:
 - A) The installation date.
 - B) The name, address, telephone number, and registration number of the facility where the radiation machine was installed;
 - C) The type of radiation machine, the manufacturer's name, model number and control panel serial number of each radiation machine; and
 - D) Name of the individual that installed the radiation machine.
 - 2) In the case of diagnostic x-ray systems that contain certified components, and in lieu of subsection (a)(1), a copy of the assembler's report on United States Food and Drug Administration (FDA) form 2579, prepared in compliance with requirements of the federal diagnostic x-ray standard (21 CFR 1020.30(d)(2001)), shall be submitted to the AgencyDepartment within 15 days following completion of the assembly. Such report, when completed in full, shall suffice in lieu of any other assembly report submitted by the assembler to the AgencyDepartment.
- b) Radiation machine service providers shall maintain a log or other record of radiation machines installed or serviced in the State of Illinois. The record shall be maintained for 5 years for inspection by the AgencyDepartment and shall list

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

the following information:

- 1) Date machine was installed or service was provided;
 - 2) Name of customer, address, telephone number, and customer's radiation installation registration number;
 - 3) The type of radiation machine, the manufacturer's name, model number and control panel serial number of each radiation machine; and
 - 4) Name of the individual that installed the radiation machine.
- c) A radiation machine *service provider who services a radiation machine in a radiation installation in the State of Illinois that is not registered under Section 24.7 of the Act must report the service to the Agency Department*. [420 ILCS 40/25.2(c)] The report shall be submitted in writing within 15 days after such service and contain the following information:
- 1) Date service was provided;
 - 2) Name, address, and telephone number of the customer;
 - 3) The type of radiation machine, the manufacturer's name, model number and control panel serial number of each radiation machine; and
 - 4) Name of the individual that serviced the radiation machine.

(Source: Amended at 32 Ill. Reg. 16759, effective October 6, 2008)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing Requirements for Source Material Milling Facilities
- 2) Code Citation: 32 Ill. Adm. Code 332
- 3)

| <u>Section Numbers</u> : | <u>Adopted Action</u> : |
|--------------------------|-------------------------|
| 332.10 | Amendment |
| 332.20 | Amendment |
| 332.30 | Amendment |
| 332.40 | Amendment |
| 332.80 | Amendment |
| 332.100 | Amendment |
| 332.110 | Amendment |
| 332.120 | Amendment |
| 332.130 | Amendment |
| 332.140 | Amendment |
| 332.150 | Amendment |
| 332.180 | Amendment |
| 332.210 | Amendment |
| 332.220 | Amendment |
| 332.230 | Amendment |
| 332.250 | Amendment |
| 332.260 | Amendment |
| 332.270 | Amendment |
| 332.290 | Amendment |
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42]
- 5) Effective Date of Amendments: October 6, 2008
- 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 4869; April 11, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
- a. In subsections 332.270(a) and (b), after "dollars", added "- \$811,000 in 2008 dollars".
- 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 rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: The Agency is adopting this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the former Illinois Department of Nuclear Safety. All references to the "Department" are changed to "Agency".
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 332

LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

| Section | |
|---------|--|
| 332.10 | Purpose and Scope |
| 332.20 | Definitions |
| 332.30 | License Required |
| 332.40 | Application Content and Procedure |
| 332.50 | General Information |
| 332.60 | Technical Information |
| 332.70 | Technical Analyses |
| 332.80 | Institutional Information |
| 332.90 | Financial Information |
| 332.100 | Evaluation of License Application and Issuance of a License |
| 332.110 | General Conditions of Licenses |
| 332.120 | Application for Renewal or Closure |
| 332.130 | Contents of Application for Site Closure and Stabilization |
| 332.140 | Postclosure Observation and Maintenance |
| 332.150 | Termination of Source Material Milling Facility License |
| 332.160 | General Requirements |
| 332.170 | Protection of the General Population from Radiation |
| 332.180 | Protection of Individuals from Inadvertent Access |
| 332.190 | Protection of Individuals During Operations |
| 332.200 | Stability of the Byproduct Material Disposal Site After Closure |
| 332.210 | Technical Criteria for Byproduct Material Disposal Sites – Siting Criteria |
| 332.220 | Technical Criteria for Byproduct Material Disposal Sites – Design Criteria |
| 332.230 | Technical Criteria for Byproduct Material Licensed Sites – Groundwater Protection |
| 332.240 | Technical Criteria for Byproduct Material Disposal Sites – Control of Radiation Hazards |
| 332.250 | Technical Criteria – Source Material Milling Operations |
| 332.260 | Financial Surety Requirements |
| 332.270 | Long-Term Care Payment |
| 332.280 | Land Ownership |
| 332.290 | Maintenance of Records, Reports, and Transfers |

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

SOURCE: Adopted at 14 Ill. Reg. 1333, effective January 5, 1990; amended at 18 Ill. Reg. 3128, effective February 22, 1994; emergency amendment adopted at 18 Ill. Reg. 17933, effective December 1, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6601, effective April 28, 1995; amended at 21 Ill. Reg. 3897, effective March 13, 1997; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. 16765, effective October 6, 2008.

Section 332.10 Purpose and Scope

- a) This Part establishes:
 - 1) Procedural requirements and technical criteria applicable to the disposal of byproduct material as defined in this Part and provides for the protection of the public health and safety during and after source material milling operations.
 - 2) Specific technical and financial requirements for source material milling facilities, including their construction, operation and decommissioning, decontamination, reclamation and ultimate stabilization, postclosure activities, license transfer and termination, facility ownership and ultimate custody.
 - 3) Procedures, criteria and conditions upon which the Illinois Emergency Management Agency~~Department of Nuclear Safety (Department)~~ issues specific licenses for source material milling and disposal of the byproduct material.
- b) Unless specified otherwise, source material milling licensees are subject to the requirements of 32 Ill. Adm. Code 310, 320, 330, 331, 340, 341, 400 and 601, and 35 Ill. Adm. Code 302.208, 302.304, 303.202, and 303.203. This Part does not apply to disposal of licensed material as provided in 32 Ill. Adm. Code 601.
- c) This Part does not establish procedures and criteria for the issuance of licenses for materials covered under Title I of the Uranium Mill Tailings Radiation Control Act of 1978 (42 USCU.S.C.A. 7901). The regulation by the State of byproduct

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

material as defined in Section 11e.(2) of the Atomic Energy Act (42 ~~USC U.S.C.A.~~ 2014(e)(2)) is subject to the provisions of an agreement between the State and the U.S. Nuclear Regulatory Commission (NRC). In the absence of ~~an such~~ agreement, this Part shall not be enforceable against any source material milling facility.

AGENCY NOTE: The reference to byproduct material as used in this subsection (c) has the same meaning as contained in 42 ~~USC U.S.C.A.~~ 2014(e)(2), also referred to as ~~section~~Section 11e.(2) of the Atomic Energy Act.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.20 Definitions

The following definitions are applicable for use in this Part only.

"Act" means the Radiation Protection Act of 1990 [420 ILCS 40].

"Active maintenance" means any activity, other than minor custodial activities, needed to preserve isolation of the byproduct material. Active maintenance includes ongoing activities such as the pumping, removal, or treatment of surface water or groundwater or one-time measures such as replacement of a disposal area cover.

"Agency" means the Illinois Emergency Management Agency.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. Any saturated zone created by uranium or thorium recovery operations would not be considered an aquifer unless the zone is or potentially is:

hydraulically interconnected to a natural aquifer,

capable of discharge to surface water, or

reasonably accessible because of migration beyond the vertical projection of the boundary of the land transferred for long-term government ownership and care in accordance with Section 332.280 of this Part.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE: The determination of "significant" will be based on site specific criteria such as yield of the aquifer in volume per unit time, the degree of use or potential for future use for domestic, industrial or agricultural purposes, the availability of alternative sources and capability of users to change to alternative sources in the event groundwater protection standards are exceeded.

"Buffer zone" means the area surrounding the site used for disposal of either byproduct material or material contaminated with uranium or thorium during, or as a consequence of, source material milling operations. Use of the buffer zone is limited to those activities that would not be detrimental to containment of the wastes, environmental monitoring, interception and processing of any surface or groundwater effluents.

"Byproduct material" means, for purposes of this Part only, the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by such solution extraction operations do not constitute byproduct material within this definition.

"Closure" means the activities following operations to decontaminate and decommission the buildings and site used to produce byproduct material, to reclaim the tailings area, to reclaim the waste disposal area and to restore the groundwater to the degree necessary to achieve compliance with the groundwater protection requirements of Section 332.230(a) of this Part.

"Closure plan" means the [AgencyDepartment](#) approved plan to accomplish closure.

AGENCY NOTE: The [AgencyDepartment](#) will approve a closure plan if the plan describes how the licensee will decontaminate, reclaim and stabilize the licensed site in accordance with the requirements of this Part.

"Commencement of construction" means any clearing of land, excavation or other substantial action that would adversely affect the natural environment of a site, but does not include changes desirable for the temporary use of land for public recreational uses, necessary borings to determine site characteristics, or other preconstruction monitoring to establish background information related to the suitability of a site or the protection of environmental values.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

"Compliance period" begins when the ~~Agency~~Department sets specific secondary groundwater protection standards in accordance with Section 332.230 of this Part and ends when the owner's or operator's license is terminated and the disposal site is transferred to the State or federal agency for long-term care.

"Control boundary" means a physical barrier that separates a restricted area from an unrestricted area.

"Decommissioning" means to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.

AGENCY NOTE: The byproduct material disposal site is not decommissioned because it will neither be released for unrestricted use nor be unlicensed. Land ownership and custody will be maintained by the State or the federal government as required by Section 332.280 of this Part. Portions of the licensed site other than the actual byproduct material disposal site are decommissioned.

"Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids or other materials.

"Disposal area" means the area containing byproduct material to which the requirements of Sections 332.170 and 332.240 of this Part apply. The disposal area includes only the surface area of the land immediately underlain by byproduct material and does not include any embankments, dams or other supporting structures ~~that~~which surround the byproduct material.

"Disposal site" means the land transferred to the State or federal government pursuant to Section 332.280 of this Part. This land includes the disposal area, any surrounding embankments or dams that contain the byproduct material.

"Existing portion" means that land surface area of an existing surface impoundment or disposal area on which significant quantities of byproduct material have been placed prior to September 30, 1983.

"Fund" means the Radiation Protection Fund (see 420 ILCS 40/35).

"Groundwater" means water below the land surface in a zone of saturation. For

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

purposes of this Part, groundwater is the water contained within an aquifer as defined in this Section.

"Leachate" means any liquid, including any suspended or dissolved components in the liquid, that has percolated through or drained from the byproduct material.

"Licensed site" means the area contained within the boundary of a location under the control of persons generating or storing byproduct material under an Agency~~Department~~ license.

AGENCY NOTE: The licensed site would include, at a minimum, any actual or proposed disposal areas and sites, any additional land used by the licensee for the generation or storage of byproduct material and any buffer zones. Normally, such additional land areas and buffer zones will be decommissioned and reclaimed and not subject to land transfer pursuant to Section 332.280 of this Part.

"Liner" means a continuous layer of natural or man-made material beneath, or on the sides of, a surface impoundment ~~that~~which restricts the downward or lateral escape of byproduct material, hazardous constituents or leachate.

"Long-term care" means the period following postclosure and termination of a license issued pursuant to this Part during which surveillance and monitoring activities are conducted by a State or federal agency.

"Minor custodial activities" means maintenance activities under State specific license, not necessary to preserve the isolation of the byproduct material. Such activities could include repair of fencing, repair or replacement of monitoring equipment, minor additions to or repair of disposal area cover and general disposal site upkeep such as mowing grass.

"Point of compliance" means the site specific location in the uppermost aquifer where the groundwater protection standard must be met.

"Postclosure" means the period of time from completion of the closure plan for decontamination, reclamation and stabilization of the source material milling facility, byproduct material surface impoundment and disposal area, but prior to the termination of the license.

"Reclamation" means the following activities performed at a licensed site as a part

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

of closure:

stabilize and isolate byproduct material contained within a disposal site.
This may include relocation of the byproduct material;

backfill with uncontaminated soil any disturbed areas to achieve a
topography compatible with surrounding terrain;

recontour land to support surface drainage; and

revegetate as necessary.

"Source material milling" means any operation in which uranium or thorium is extracted and concentrated from ore processed primarily for its source material content. This includes solution mining and heap leaching and any other operation ~~that~~~~which~~ generates byproduct material as defined in this Part.

"Surface impoundment" means a natural topographic depression, man-made excavation or diked area ~~that~~~~which~~ is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and ~~that~~~~which~~ is not an injection well.

"Surveillance" means monitoring and observation of the disposal site for the purposes of visual detection of the need for maintenance, custodial care, evidence of unauthorized access and compliance with other license and regulatory requirements.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.30 License Required

- a) No person shall operate a source material milling facility or byproduct material surface impoundment or disposal area, or receive, possess, dispose, or transfer source or byproduct material associated with such facilities, unless authorized by a license issued by the ~~Agency~~~~Department~~ pursuant to this Part and 32 Ill. Adm. Code 330.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- b) Each person shall file an application with the ~~Agency~~Department pursuant to 32 Ill. Adm. Code 330.240 and obtain a license as provided in this Part before commencement of construction of a source material milling facility, or byproduct material surface impoundment or disposal area. Failure to comply with this requirement shall be grounds for denial of a license.
- c) Any person who, on the effective date of the Agreement between the State and NRC transferring regulatory authority to the State, possesses a license, issued by the NRC, to operate a source material milling facility or byproduct material surface impoundment or disposal area or to receive, possess, dispose of, or transfer source or byproduct material associated with such facilities, shall be deemed to possess a like license issued under this Part. ~~Licenses~~Such license shall expire 90 days after receipt from the ~~Agency~~Department of a notice of expiration of ~~the~~such license or on the date of expiration specified in the NRC license, whichever is earlier.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.40 Application Content and Procedure

- a) In addition to the requirements set forth in 32 Ill. Adm. Code 330.250, an application filed pursuant to this Part shall contain the required information as set forth in Sections 332.50 through 332.90 of this Part.
- b) The ~~Agency~~Department will review the application for completeness within 60 days after receipt of the application and will notify the applicant whether ~~or not~~ the application is acceptable for filing. This review of the application shall not constitute the ~~Agency's~~Department's approval of the adequacy of the information and data contained in the application.
- c) The ~~Agency~~Department may, at any time after the filing of the original application, and before the expiration of the license, require further statements or data to enable the ~~Agency~~Department to determine whether the application should be denied or whether a license should be granted, modified or revoked.
- d) A license application may include a request for a licensee to engage in one or more activities, provided that the application specifies the additional activities for which licenses are requested and complies with regulations of the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

AgencyDepartment as to application for thosesuch licenses.

- e) In any application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed by the applicant with the AgencyDepartment. TheSuch reference shall identify the document being referenced by subject, date and page number.
- f) All materials considered by the applicant to be proprietary or confidential in nature shall be separated and marked proprietary or confidential by the applicant before submission to the AgencyDepartment. Public inspection of applications and other documents submitted to the AgencyDepartment pursuant to this Section shall be in accordance with 2 Ill. Adm. 1076 and the requirements of the Freedom of Information Act [5 ILCS 140].
- g) Thirty copies of an application for a specific license, or amendment to a licensethereto, shall be filed with the AgencyDepartment.
- h) Each application for a specific license, or amendment to a licensethereto, shall be accompanied by the fee prescribed in 32 Ill. Adm. Code 331.
- i) Each application shall be signed by the applicant or a person duly authorized to act on behalf of the applicant.

(Source: Amended at 32 Ill. Reg. 16765 effective October 6, 2008)

Section 332.80 Institutional Information

Where the proposed disposal site is on land not owned by the federal or State government, the applicant shall submit evidence that arrangements have been made for transfer of ownership in fee to the federal or State government. TheSuch arrangements shall provide that the governmental agency assuming custody of the byproduct material and its disposal site also assume responsibility for long-term care after termination of the license issued by the AgencyDepartment.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.100 Evaluation of License Application and Issuance of a License

- a) Environmental Analysis

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Each application for a license or license amendment must be reviewed and the license or amendment must be issued by the ~~Agency~~Department before commencement of any major construction activity. As part of its review of ~~such~~ applications, the ~~Agency~~Department shall prepare a written analysis of the impact of the license, including any activities conducted pursuant ~~to the license~~thereto. The analysis shall include the following:
 - A) An assessment of the radiological and nonradiological impacts to the public health from the activities to be conducted pursuant to the license or amendment;
 - B) An assessment of any impact on any waterway and groundwater resulting from the activities conducted pursuant to the license or amendment;
 - C) Consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted pursuant to the license or amendment; and
 - D) Consideration of the long-term impacts, including decommissioning, decontamination and reclamation impacts, associated with activities to be conducted pursuant to the license or amendment.
 - 2) Commencement of construction prior to issuance of the license or amendment shall be grounds for denial of the license or amendment.
 - 3) The environmental analysis prepared in accordance with subsection (a)(1) of this Section shall be available to the public before the commencement of hearings regarding the merits of the application.
- b) Public ~~Participation~~participation
- 1) Written ~~Comment~~comments
 - A) Upon completing preparation of the analysis pursuant to subsection (a) of this Section, the ~~Agency~~Department shall publish a notice of the availability of the environmental analysis in the official State

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

newspaper and in a newspaper published in the county or counties where the facility ~~that~~^{which} is the subject of licensing action is to be located. This notice shall specify how a copy of the environmental analysis can be obtained, as well as the deadline and address for submitting written comments on the license application.

- B) The ~~Agency~~^{Department} shall accept written comments on the license application and the environmental analysis for at least 45 days following the publication of the notice described in subsection (b)(1)(A) of this Section.

2) Hearings

- A) At least 30 days prior to the issuance or renewal of a license pursuant to this Part, the ~~Agency~~^{Department} shall publish a Notice of Opportunity to request a hearing in the official State newspaper and in a newspaper published in the county or counties where the facility that is the subject of the license application is located. This notice shall contain:
- i) a statement identifying the location of the facility,
 - ii) a statement of the availability of the environmental analysis,
 - iii) a statement of the right to request a hearing,
 - iv) the date by which a request for a hearing is to be submitted to the ~~Agency; that~~^{Department, such} date shall be no less than 20 days ~~after~~^{from} the date of the publication of the notice, and
 - v) a statement of the actions that will be taken by the ~~Agency~~^{Department} in the event that a hearing is not requested.
- B) Any person who would be adversely affected by the issuance of the license may request a hearing. The request must be in writing

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

and must contain a brief statement of the basis upon which the issuance of the license is being challenged. If the request is not submitted by the date specified in accordance with subsection (b)(2)(A) of this Section, or if the request is submitted but later withdrawn, the AgencyDepartment shall issue the license in accordance with subsection (c) of this Section.

- C) If any hearing is requested in accordance with subsection (b)(2)(B) of this Section, the parties to the hearing shall be the AgencyDepartment and the Respondent. The provisions of 32 Ill. Adm. Code 200.20, 200.40, 200.50, 200.80 through 200.140 and 200.160 through 200.230 shall be applicable to the hearing.
- c) Upon a determination that an application meets all criteria of this Part, the AgencyDepartment shall issue a specific license authorizing the construction of the source material milling facility and any byproduct material surface impoundment and disposal area. Upon completion of the construction in accordance with the license specifications, the AgencyDepartment shall authorize operations at the licensed site after verification of compliance with the license specifications.
- d) The AgencyDepartment may incorporate in any license at the time of issuance, or thereafter by appropriate rule or order, additional requirements and conditions in order to:
- 1) Ensure compliance with the requirements of this Part;
 - 2) Reduce potential hazard to public safety during operation;
 - 3) Protect the environment; or
 - 4) Prevent loss or theft of materials subject to this Part.
- e) The AgencyDepartment may require reports, examine records, perform confirmatory monitoring and inspect activities under the license as necessary to demonstrate compliance with the requirements of this Part.
- f) Throughout the construction and operating phases of the source material milling facility, a monitoring program shall be conducted by the licensee in order to:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Demonstrate compliance with the standards of this Part and 32 Ill. Adm. Code 310, 340 and 400;
 - 2) Evaluate the performance of control systems and procedures;
 - 3) Evaluate environmental impacts of operation; and
 - 4) Detect potential long-term adverse effects.
- g) The source material milling facility shall be designed and operated so that effluents and emissions and the resultant dose from effluents and emissions do not exceed the limits specified in 32 Ill. Adm. Code 340.310 and 340.320 and in Section 332.170 of this Part. The licensee shall limit emissions and exposures by using emission control devices. If the licensee cannot meet the requirements using emission control devices, then institutional controls, such as extended licensed site boundaries and buffer zones, may be used to ensure that limits of dose to members of the public will be met. The licensee shall submit to the AgencyDepartment proposed operation procedures and shutdown procedures as evidence that the requirements specified in 32 Ill. Adm. Code 340 will be met.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.110 General Conditions of Licenses

- a) The licensee shall be subject to the provisions of the Act and to all rules, regulations, and orders of the AgencyDepartment. The terms and conditions of the license are subject to amendment, revision, or modification, by reason of amendments to, or by reason of regulations and orders issued in accordance with, the terms of the Act.
- b) Each person licensed by the AgencyDepartment pursuant to this Part shall confine possession and use of materials to the locations and purposes authorized in the license.
- c) The licensee shall not process any ore or place any byproduct material in any surface impoundment or disposal area until the AgencyDepartment has inspected the surface impoundment or disposal area and, based on the results of the inspection, has determined that the surface impoundment or disposal area

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

conforms to the description, design and construction described in the application for the license.

- d) No license issued pursuant to this Part, or any right ~~under that license~~~~thereunder~~, may be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the ~~Agency~~~~Department~~ finds, after securing information, that the transfer is in accordance with the provisions of the Act and gives its consent in writing in the form of a license amendment.
- e) The authority to receive and process ores and to place byproduct material within any surface impoundment and disposal area expires on the date stated in the license. Any expiration date on a license applies only to the receipt and processing of ores and the emplacement of byproduct material. Failure to renew the license shall not relieve the licensee of responsibility for implementing reclamation, decontamination, stabilization and closure, postclosure observation and maintenance and transfer of the license to the ultimate governmental owner.
- f) The license will terminate only on the full implementation of the final closure plan as approved by the ~~Agency~~~~Department~~, including postclosure observation and maintenance, and meeting the requirements of Section 332.140 of this Part.
- g) Notification of Bankruptcy
 - 1) The licensee shall notify the ~~Agency~~~~Department~~, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of 11 ~~USCU.S.C.~~ 101 et seq. (Bankruptcy) of the United States Code by or against:
 - A) The licensee;
 - B) An entity (as that term is defined in 11 ~~USCU.S.C.~~ 101(15)) controlling the licensee or listing the license or licensee as property of the estate; or
 - C) An affiliate (as that term is defined in 11 ~~USCU.S.C.~~ 101(2)) of the licensee.
 - 2) This notification shall indicate:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- A) The bankruptcy court in which the petition for bankruptcy was filed; and
 - B) The date of the filing of the petition.
- h) The licensee shall submit written statements, as requested by the AgencyDepartment at any time before termination of the license, to enable the AgencyDepartment to determine whether the license should be modified, suspended or revoked.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.120 Application for Renewal or Closure

- a) At least 1 year prior to license expiration, the licensee shall notify the AgencyDepartment of its intent to either renew its license or to seek an amendment authorizing closure. At least 30 days prior to license expiration, the licensee shall file with the AgencyDepartment either an application for renewal of the license or an application for a license amendment authorizing closure.
- b) Applications for renewal of a license shall be filed in accordance with Sections 332.40 through 332.90. All applications for closure shall be filed in accordance with Section 332.130. Information contained in previous applications, statements, or reports filed with the AgencyDepartment under the license may be incorporated by reference.
- c) In any case in which a licensee has filed an application in proper form for renewal of a license, the license does not expire until the AgencyDepartment has taken final action on the application for renewal.
- d) In determining whether a license will be renewed, the AgencyDepartment will apply the criteria set forth in Section 332.100.
- e) Upon evaluation of an application to amend the license for closure submitted in accordance with Section 332.130, the AgencyDepartment shall issue an amendment to the license authorizing closure if the assessment of the application demonstrates that the technical criteria of Sections 332.200 through 332.240 will be met.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.130 Contents of Application for Site Closure and Stabilization

Prior to beginning final closure of the licensed site, or as otherwise directed by the [Agency Department](#), the licensee shall submit an application to amend the license for closure. The application for amendment shall include an updated closure plan and shall provide the following specific information regarding site closure.

AGENCY NOTE: Other circumstances ~~that~~[which](#) would cause the [Agency Department](#) to direct the licensee to submit an application for closure include, but are not limited to, failure to meet the technical criteria of this Part, failure to post and maintain adequate financial surety, or failure to meet the requirements of the Act.

- a) Any additional geologic, hydrologic, or other data pertinent to the long-term containment of the emplaced byproduct material generated during the operational period.
- b) The results of tests, experiments, or any other analyses relating to any surface impoundment and disposal area, closure, waste migration, and interaction with byproduct material or any other tests, experiments, or analyses pertinent to the long-term containment of the emplaced byproduct material within the disposal site.
- c) Any proposed revision of plans for:
 - 1) Decontamination and/or dismantlement of mill and surface impoundments;
 - 2) Recontouring or backfilling of areas; or
 - 3) Stabilization of the disposal area for postclosure care.
- d) Any information, not previously submitted to the [Agency Department](#), regarding the potential environmental impact of closure activities and long-term performance of the disposal site.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 332.140 Postclosure Observation and Maintenance

- a) The licensee shall observe, monitor and maintain the licensed site until closure is complete and the license is terminated under the authorization of the AgencyDepartment in accordance with Section 332.150 of this Part. The licensee shall be responsible for disposal site maintenance for 15 years after completion of closure. A longer time period for postclosure observation and maintenance will be required if the AgencyDepartment determines that the licensee has not designed and closed the disposal site in accordance with the closure plan specified in the license.
- b) During the postclosure period, the licensee shall conduct four disposal site inspections each year, once each season. Additional inspections shall be performed after each earthquake that, which at the disposal site, exceeds a level 6 on the Modified Mercalli Index, or flood or abnormal change in climate, such as precipitation in excess of 10 times the seasonal average level. The results of the inspections, the monitoring data and the evaluation of the monitoring data shall be reported to the AgencyDepartment within 60 days after each inspection. The AgencyDepartment shall require more frequent disposal site inspections, if necessary to establish compliance with the requirements of Section 332.100 of this Part, or if there has been unauthorized use of the disposal site.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.150 Termination of Source Material Milling Facility License

- a) Following closure and the period of postclosure observation and maintenance, the licensee may apply for termination of the license. The license shall be terminated when the AgencyDepartment finds:
- 1) That the closure of the licensed site has been made in conformance with the licensee's closure plan, as amended and approved as part of the license;
 - 2) That the licensee has established that the technical criteria of this Part have been met;
 - 3) That any long-term care funds and records are transferred to the federal or State agency that will assume institutional control of the disposal site;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 4) That the federal or State agency that will assume responsibility for long-term care, observation and maintenance of the disposal site is prepared to assume such responsibilities;
 - 5) That permanent monuments or markers warning against intrusion have been installed;
 - 6) That the U.S. Nuclear Regulatory Commission has made a determination of compliance with the decontamination, decommissioning, reclamation and stabilization standards; and
 - 7) That title to the byproduct material and to the disposal site has been transferred to the United States of America or the State.
- b) In addition to satisfying requirements in subsection (a) of this Section, the licensed site, other than the buildings and disposal area, shall be decontaminated to the following limits prior to termination of the license:
- 1) Concentration of radionuclides in soil above background concentrations for total radium, averaged over areas of 100 square meters, shall not exceed:
 - A) 5 picocuries per gram of dry soil, averaged over the first 15 centimeters below the surface; and
 - B) 15 picocuries per gram of dry soil, averaged over layers of 15 centimeters thickness more than 15 centimeters below the surface.
 - 2) The level of gamma radiation measured at a distance of 100 centimeters from the surface shall not exceed background.
 - 3) Soil contamination levels with nonradioactive hazardous substances shall not exceed the levels specified as contamination limits in other applicable State or federal regulations.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.180 Protection of Individuals from Inadvertent Access

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Design, operation, and closure of the facility disposal area shall protect any individual inadvertently entering onto the disposal site at any time after termination of the license by the [AgencyDepartment](#).

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.210 Technical Criteria for Byproduct Material Disposal Sites – Siting Criteria

- a) Byproduct material shall be disposed of in a manner that provides containment of the material by preventing disturbances and dispersion by natural forces, and by doing so without active maintenance. In evaluating a byproduct material disposal site, the [AgencyDepartment](#) shall consider:
 - 1) Remoteness from populated areas;
 - 2) Hydrologic and other natural conditions as they contribute to continued immobilization and isolation of contaminants from groundwater sources; and
 - 3) Potential for minimizing erosion, disturbances, and dispersion by natural forces over the long term.
- b) The disposal site selection shall be an optimization, to the maximum extent achievable, of the features listed in subsection (a). At a minimum, however:
 - 1) The disposal site shall not be within a distance of 2.5 km (1.5 miles) from the boundary of any municipality without the consent of the governing body of the municipality. The disposal area must incorporate a distance between any waste disposal unit and the control boundary ~~that~~[which](#) is of adequate dimensions to carry out required environmental monitoring activities and remediation activities if necessary. In most cases, a distance of 100 meters would be adequate;
 - 2) The tailings and waste disposal site shall not be located in a 100-year flood plain, as defined in the rules of the Illinois Department of Transportation, 92 Ill. Adm. Code 706.Subpart C;
 - 3) The characteristics of the disposal site shall allow prediction, analysis and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

monitoring of any migration of effluents, e.g., the site geology must be simple enough to allow reliable hydrological modeling;

- 4) The depth to the water table at the disposal site shall not permit groundwater intrusion, perennial or otherwise, into the waste;
 - 5) The natural characteristics of the disposal site, such as hydrology, geology, and topography, shall contribute to continued immobilization and containment, and shall ensure that waste will be contained within the disposal site boundary for a period of at least 1,000 years after the decommissioning;
 - 6) The disposal site shall not be located where other facilities, activities or land uses could adversely impact the ability of the site to meet the technical criteria of this Part, or mask the environmental impacts of the disposal area;
 - 7) The disposal area structure shall not be located above a geologic fault system. The disposal site geology must be stable; i.e., mass wasting, erosion, slumping, or land sliding shall not adversely affect the long-term containment; and
 - 8) The disposal area shall not be located near a capable fault that could cause a maximum credible earthquake larger than ~~that which~~ the disposal area could reasonably be expected to withstand. As used in this Part, the term "capable fault" has the same meaning as defined in ~~section~~Section III(g) of 10 CFR 100, ~~appendix~~Appendix A, in effect on January 1, 1989, exclusive of subsequent amendments or editions. The term "maximum credible earthquake" means ~~an~~that earthquake ~~that which~~ would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material.
- c) When evaluating disposal sites, the ~~Agency~~Department shall place emphasis on containment of byproduct material, a matter having long-term impacts, as opposed to consideration only of short-term convenience, impacts or benefits. While containment of byproduct material will be a function of both site and engineering design, major consideration shall be given to siting features that pertain to the long-term nature of the hazards.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- d) To avoid the proliferation of small byproduct material disposal sites and reduce perpetual surveillance obligations, byproduct material from in situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote aboveground extraction operations shall be disposed of at existing large byproduct material disposal sites; unless, considering the nature of the wastes, such as their volume and specific activity, and the cost and environmental impacts of transporting the wastes to large disposal sites, such offsite disposal is demonstrated to be impracticable or the advantages of onsite burial clearly outweigh the benefits of reducing the perpetual surveillance obligations.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.220 Technical Criteria for Byproduct Material Disposal Sites – Design Criteria

- a) When submitting a proposed method of disposal for evaluation by the AgencyDepartment, the licensee shall either:
- 1) Submit to the AgencyDepartment a plan describing how the licensee will dispose of byproduct material and contaminants below grade; or

AGENCY NOTE: The AgencyDepartment presumes that disposal of tailings by placement below grade, either in mines or in excavated pits, is the method of disposal thatwhich best furthers the objective of containment of byproduct material and contaminants without requiring active maintenance. However, below grade disposal is not the most environmentally sound approach if a groundwater formation is relatively close to the surface or not very well isolated by overlying soils and rock. Geologic and topographic conditions might make full below grade disposal impracticable.
 - 2) Submit to the AgencyDepartment data thatwhich support the licensee's conclusion that disposal below grade is not the most environmentally sound approach, as well as a description of the licensee's alternative method for tailings disposal. The alternative method shall provide for excavation to the greatest degree achievable, given the geologic and hydrologic conditions at the site, so that the size of retention structures,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

and the steepness of slopes of associated exposed embankments shall be minimized. The licensee shall also demonstrate that its proposed above grade disposal program will provide containment of the byproduct material equivalent or superior to that which would be achieved from below grade disposal.

- b) Disposal ~~Site Surfaces~~site surfaces
- 1) Embankment and cover slopes shall be relatively flat after final stabilization to minimize the potential for erosion and to provide conservative factors of safety assuring long-term stability. Final slopes shall be contoured to grades that are as close as possible to those ~~that~~which would be provided if byproduct material were disposed of below grade. Slopes shall not be steeper than 10 horizontal to 1 vertical.
 - 2) All disposal site surfaces shall be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope. In addition to rock cover on slopes, areas toward which surface runoff might be directed shall be well protected with rock cover or rip rap. Overall stability, erosion potential, and geomorphology of surrounding terrain must be evaluated to assure that there are not ongoing or potential processes, such as gully erosion, that would lead to disposal area instability.
- c) The disposal site and area, where feasible, shall be designed to incorporate features ~~that~~which will promote deposition. For example, design features ~~that~~which promote deposition of sediment suspended in any runoff ~~that~~which flows into the disposal area might be utilized; the object of such a design feature would be to enhance the thickness of cover over time.
- d) The disposal site shall be designed so that the upstream rainfall catchment does not increase surface erosion or flooding of the disposal site.
- e) A full self-sustaining vegetative cover shall be established or rock cover employed to control wind and water erosion. However, rock covering of slopes is unnecessary where:
- 1) top covers are very thick (on the order of 10 m or greater);
 - 2) impoundment slopes are very gentle (on the order of 10 horizontal:1

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- vertical or less);
- 3) bulk cover materials have inherently favorable erosion resistance characteristics;
 - 4) there is negligible drainage catchment area upstream of the disposal site; and
 - 5) the topographic features of the disposal site provide wind protection.
- f) Where rock cover is employed, in order to avoid displacement of rock particles by human and animal traffic, root invasion, or by natural process, and to preclude undercutting and piping, the following factors shall be accounted for in the rock cover design:
- 1) Shape, size, composition, and gradation of rock particles. Except for bedding material, average particle size shall be at least cobble size or greater;
 - 2) Rock cover thickness and zoning of particles by size;
 - 3) Steepness of underlying slopes; and
 - 4) Individual rock fragments shall be dense, sound, and resistant to abrasion, and shall be free from cracks, seams, and other defects that would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate shall not be used.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.230 Technical Criteria for Byproduct Material Licensed Sites – Groundwater Protection

- a) In order to provide adequate protection of groundwater resources, the licensed site shall be designed, constructed, maintained and operated to conform with the requirements of criterion 5 of 10 CFR 40, [appendix A](#), in effect on January 1, 1994, exclusive of subsequent amendments or editions. In addition, closure shall be performed to conform with the requirements of criterion 5 of 10 CFR 40, [appendix A](#), in effect on January 1, 1994, exclusive of

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

subsequent amendments or editions. Criterion 13 of 10 CFR 40, ~~appendix~~Appendix A, in effect on January 1, 1994, identifies the constituents for which standards shall be set or complied with if the specific constituent is expected to be in or derived from the byproduct material and has been detected in groundwater.

- b) The licensee shall establish a detection monitoring program needed for the ~~Agency~~Department to set the site-specific groundwater protection standards in subsection (a) ~~above~~. The licensee or applicant shall propose for ~~Agency~~Department approval as license conditions which constituents are to be monitored on a site-specific basis. A detection monitoring program shall be designed and implemented to accomplish two purposes. The program shall be designed and implemented to detect leakage of the hazardous constituents from the licensed site so that the need to set groundwater protection standards is monitored. If leakage is detected, the program shall be designed and implemented to generate data and information needed for the ~~Agency~~Department to establish the standards under subsection (a) ~~above~~. The data and information shall provide a sufficient basis to identify those hazardous constituents ~~that~~which require concentration limit standards and to enable the ~~Agency~~Department to set the limits for those constituents and the compliance period. The data and information shall also provide the basis for adjustments to the point of compliance, if necessary.
- c) Once groundwater protection standards have been established pursuant to subsection (a) ~~above~~, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the standards set by the ~~Agency~~Department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this subsection (c) may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.250 Technical Criteria – Source Material Milling Operations

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- a) Liquids resulting from any of the mill processes shall not be released into surface streams. In addition, contaminated solutions, other than liquids resulting from any of the mill processes, shall not be released into the environment if the solutions have radionuclide concentrations in excess of those specified in 32 Ill. Adm. Code 340.320(b) and (c).
- b) Byproduct material shall be chemically and physically treated to immobilize or remove the contaminants.
- c) An independent quality assurance program shall be established to assure that specifications of the monitoring program detailed in the license are met. If adverse groundwater impacts or conditions conducive to adverse groundwater impacts occur, action shall be taken to alleviate the impacts or conditions and restore groundwater quality to levels as specified in accordance with Section 332.230 of this Part.
- d) Source material milling operations shall be conducted so that all airborne effluent releases are reduced to levels as low as is reasonably achievable. Emissions controls shall be used. Institutional controls, such as extending the licensed site boundary and exclusion area, may be employed to ensure that offsite dose limits are met, but only after all practicable process and engineering measures have been taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable and to avoid site contamination. During operations and prior to closure, radiation doses from radon emissions from surface impoundments and disposal areas containing byproduct material shall be kept as low as is reasonably achievable. Checks shall be made and logged hourly of all parameters ~~that~~^{which} determine the efficiency of product stack emission control equipment operation. It shall be determined whether ~~or not~~ conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency. Corrective action must be taken when performance is outside of prescribed ranges. Effluent control devices must be operative at all times during drying and packaging operations and whenever air is exhausting from the product stack. Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging operations shall cease as soon as practicable. Operations shall not be restarted after cessation

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

due to abnormal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions and restarts shall be reported to the ~~Agency~~Department, in writing, within 10 days ~~after~~of the subsequent restart.

- e) To control fugitive dust from tailings, all surfaces not covered by standing liquids shall be wetted or chemically stabilized. For licenses initially granted after January 1, 1990, management of tailings shall incorporate phased-in surface stabilization and reclamation. To control dusting from diffuse sources, operators shall develop written operating procedures specifying the methods of control ~~that~~which will be used.
- f) Byproduct material shall be managed so as to conform to the applicable provisions of 40 CFR 440, Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, ~~subpart~~Subpart C, Uranium, Radium, and Vanadium Ores Subcategory, in effect on July 1, 1995, exclusive of subsequent amendments or editions.
- g) Licensees and applicants shall satisfy the requirements of 40 CFR 61, in effect on July 1, 1995, exclusive of subsequent amendments or editions.
- h) Inspection of the byproduct material impoundments and disposal areas:
 - 1) The licensee shall conduct daily inspections of any surface impoundment and disposal site and document the results of the inspections. Records of the inspections shall be maintained for 5 years in a format allowing for easy access and review by the ~~Agency~~Department.
 - 2) The licensee shall notify the ~~Agency~~Department within 2 hours by telephone, and then within 48 hours by written report, of any failure of a byproduct material surface impoundment or disposal area ~~that~~which results in a release of byproduct material into unrestricted areas. The licensee shall notify the ~~Agency~~Department in writing, within 5 working days, of any condition ~~that~~which was not anticipated in the design of the byproduct material surface impoundment or disposal area and, if not corrected, could cause failure of embankments or other structures containing the byproduct material and the release of byproduct material into unrestricted areas.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 3) In cases of failure of the byproduct material impoundment, the report shall be maintained for transfer to the governmental agency to which the title of the facility will be transferred.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.260 Financial Surety Requirements

- a) The license applicant shall establish financial surety arrangements, prior to the ~~Agency~~Department authorization of commencement of operations, to assure the availability of sufficient funds for decontaminating, decommissioning and reclaiming the source material milling facility and licensed site, as well as the stabilization and closure of the byproduct material disposal site and the long-term care payment.
- b) An acceptable surety arrangement may consist of cash or negotiable securities deposited with the ~~Agency~~Department, irrevocable assignments of savings or certificates of deposit, or the deposit of an instrument executed by the applicant or licensee and a corporate surety or financial institution with the ~~Agency~~Department designated as the beneficiary. However, self insurance, or any arrangement ~~that~~which essentially constitutes self insurance (e.g., a contract with a State or federal agency) will not satisfy the surety requirement since this provides no additional assurance other than that which already exists through license requirements. The value of the deposit shall be equal to or greater than the amount of the surety required by subsection (c). Any surety arrangement must be available in Illinois subject to judicial process and execution in the event required for the purposes set forth in this Part.
- c) The amount of funds to be ensured by such surety arrangements shall be greater than or equal to the ~~Agency~~Department approved cost estimates for:
 - 1) decontamination, decommissioning, restoration, and reclamation of buildings and the licensed site;
 - 2) stabilization and closure of the disposal area; and
 - 3) the requirements of Section 332.270 for the long-term care payment.
- d) In establishing specific surety arrangements, the applicant's or licensee's cost

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

estimates shall take into account the total costs that would be incurred if an independent contractor were hired to perform the work identified in subsections (c)(1) and (2).

- e) To avoid duplication and expense, the AgencyDepartment will accept surety arrangements that have been consolidated with surety arrangements established to meet requirements of other agencies in Illinois for decontamination, reclamation, restoration, and disposal, if the applicant demonstrates, in writing, that thesueh surety provides the same or a greater degree of protection for the licensed site, provided that thesueh arrangements are adequate to satisfy these requirements and that the portion of the surety thatwhich covers the decommissioning, decontamination, reclamation, and stabilization of the site, and the long-term care payment is specifically identified and committed for use in accomplishing these activities.
- f) The applicant's or licensee's surety arrangements will be reviewed annually by the AgencyDepartment to assure that sufficient funds will be available for completion of the closure plan if the work was to be performed by an independent contractor. The amount of surety shall be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, and any other conditions affecting costs. Regardless of whether closure is phased through the life of the operation or takes place at the end of operations, a portion of the surety shall be retained until final compliance with the closure plan is determined by the AgencyDepartment.
- g) The term of the surety mechanism shall be open-ended, unless the licensee proposes another arrangement thatwhich provides an equivalent or greater level of assurance. The surety instrument shall provide that the surety mechanism will not be cancelled unless the surety notifies both the AgencyDepartment and the licensee at least 90 days prior to cancellation. Proof of forfeiture shall not be necessary to collect the surety so that, in the event that the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration or cancellation.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.270 Long-Term Care Fund

- a) Prior to termination of a source material milling or byproduct material license, a

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

minimum payment of \$250,000 (1978 dollars ~~– \$811,000 in 2008 dollars~~) to cover the cost of long-term care shall be paid by the licensee. If title and custody to land and byproduct material are transferred to the State, the payment shall be made to the State agency assuming custody. If title and custody are transferred to a federal agency, the payment shall be deposited in the general treasury of the United States.

- b) If the cost of long-term care is determined, on the basis of a site specific evaluation, to be greater than \$250,000 (1978 dollars ~~– \$811,000 in 2008 dollars~~), variance in the funding requirements shall be specified by the ~~Agency~~Department. The total amount of the payment must be such that, with an assumed 1 percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of long-term care. The minimum funding requirement will be adjusted annually prior to actual payment to recognize inflation. The inflation rate to be used is that indicated by the change in the Consumer Price Index published by the U.S. Department of Labor, Bureau of Labor Statistics.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

Section 332.290 Maintenance of Records, Reports, and Transfers

- a) Each licensee shall maintain any records and make any reports in connection with the license activities as may be required by the conditions of the license or by the rules, regulations and orders of the ~~Agency~~Department.
- b) Records ~~that~~which are required to be maintained by regulation or by license conditions shall be maintained in a format allowing for easy access and review by the ~~Agency~~Department, for a time period specified in the applicable regulation or license condition. If a record retention period is not otherwise specified, these records shall be maintained and transferred to the officials specified in subsection (d) of this Section as a condition of license termination unless the ~~Agency~~Department otherwise authorizes their disposition.
- c) Records ~~that~~which shall be maintained pursuant to this Part may be the original, or a reproduced copy or microfilm if this reproduced copy or microfilm is capable of producing copy that is clear and legible at the end of the required retention period.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- d) Copies of records of the location and quantity of byproduct material contained in the disposal site shall be transferred upon license termination to the ~~Agency~~Department, the agency responsible for long-term care, the U.S. Nuclear Regulatory Commission, the chief executive of the nearest municipality, the chief executive of the county in which the disposal site is located, the county zoning board or land development and planning agency and the Governor.
- e) Each licensee shall file a copy of its financial report or a certified financial statement annually with the ~~Agency~~Department in order to update the information base for determining the continued financial qualifications of the licensee.
- f) Each licensee shall submit status reports to the ~~Agency~~Department. The reports shall be submitted within 60 days after January 1 and July 1 of each year and shall cover the previous 6 months of operation. The reports shall include:
- 1) Specification of the quantity of each of the radionuclides released to unrestricted areas in liquid and gaseous effluents;
 - 2) The results of the environmental monitoring program;
 - 3) ~~Data~~The data shall be reported in a manner that will permit the ~~Agency~~Department to confirm the potential annual radiation doses to the public;
 - 4) A summary of licensee survey and ~~maintenance~~maintainance activities;
 - 5) A summary of activities and quantities of licensed material processed, stored, transferred or disposed of;
 - 6) Any instances in which observed site, facility, process or equipment characteristics were significantly different from those described in the application for a license; and
 - 7) If the quantities of radionuclides released are more than 25 percent greater than those anticipated in the license application, or if unanticipated maintenance is performed, a discussion of the cause of the release or the reason for the maintenance.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Practice in Administrative Hearings
 - 2) Code Citation: 89 Ill. Adm. Code 104
 - 3) Section Number: 104.207 Adopted Action:
Amendment
 - 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
 - 5) Effective Date of Amendment: October 6, 2008
 - 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 materials 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: June 13, 2008; 32 Ill. Reg. 8482
 - 10) Has JCAR issued a Statement of Objection to this amendment? No
 - 11) Differences Between Proposal and Final Version: In Section 104.207(a), deleted "Section 160.61(c)(5)" and added "89 Ill. Adm. Code 160.61(c)(3)".
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this amendment replace any emergency amendment currently in effect? No
 - 14) Are there any other amendments pending on this Part? Yes
- | | | |
|------------------------|-------------------------|-------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 104.272 | Amendment | 32 Ill. Reg. 13751; August 22, 2008 |
- 15) Summary and Purpose of Amendment: This amendment removes language regarding a judicial trial by jury in the case of a paternity hearing. There is currently no authority for the stricken language.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

Tamara Tanzillo Hoffman
Chief of Staff
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 Adopted Amendment begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section

| | |
|--------|--|
| 104.1 | Assistance Appeals |
| 104.10 | Initiation of Appeal Process |
| 104.11 | Pre-Appeal Review |
| 104.12 | Notice of Hearing |
| 104.20 | Conduct of Hearings |
| 104.21 | Representation |
| 104.22 | Appellant Participation in Hearing |
| 104.23 | Evidentiary Requirements |
| 104.30 | Subpoenas |
| 104.35 | Amendment of Appeal |
| 104.40 | Consolidation of Appeals |
| 104.45 | Postponement or Continuation of Hearings |
| 104.50 | Withdrawal of Appeal |
| 104.55 | Closing of Hearing Record |
| 104.60 | Dismissal of Appeal |
| 104.70 | Final Administrative Decision |
| 104.80 | Public Aid Committee |

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

| | |
|---------|--|
| 104.100 | Support Order, Responsible Relative and Joint Payee Petitions |
| 104.101 | Petition for Hearing |
| 104.102 | Conduct of Administrative Support Hearings |
| 104.103 | Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments |
| 104.104 | Conduct of Other Hearings |
| 104.105 | Conduct of Hearings on Petitions for Release from Administrative Paternity |

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Orders

- 104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

Section

- 104.200 Applicability
104.202 Definitions
104.204 Notice of Denial of An Application
104.206 Notice of Intent to Recover Money
104.207 Notice of Contested Paternity Hearing
104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement or to Revoke Alternate Payee
104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action
104.210 Right to Hearing
104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212 Prior Factual Determinations
104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
104.215 Notice of Formal Conference
104.216 Formal Conference on Recovery of Money
104.217 Purpose of Formal Conference
104.220 Notice of Hearing
104.221 Issues at Hearings
104.225 Legal Counsel
104.226 Appearance of Attorney or Other Representative
104.230 Notice, Service and Proof of Service
104.231 Form of Papers
104.235 Discovery
104.240 Conduct of Hearings
104.241 Amendments
104.242 Motions
104.243 Subpoenas
104.244 Burden of Proof
104.245 Witness at Hearings

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

| | |
|---------|--|
| 104.246 | Evidence at Hearings |
| 104.247 | Cross-Examination |
| 104.248 | Disqualification of Hearing Officers |
| 104.249 | Genetic Testing in Contested Paternity Hearings |
| 104.250 | Official Notice |
| 104.255 | Computer Generated Documents |
| 104.260 | Recommendation of Peer Review Committee |
| 104.270 | Time Limits for Hearings |
| 104.271 | Continuances and Extensions |
| 104.272 | Withholding of Payments During Pendency of Proceedings |
| 104.273 | Continuation of Payments During Pendency of Proceedings |
| 104.274 | Denial of Payments for Services During Pendency of Proceedings |
| 104.280 | Record of Hearings |
| 104.285 | Failure to Appear or Proceed |
| 104.290 | Recommended Decision |
| 104.295 | Director's Decision |

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

| | |
|---------|---|
| Section | |
| 104.300 | Authority |
| 104.302 | Definitions |
| 104.304 | Department Actions Against Nursing Homes Facilities |
| 104.310 | Certification |
| 104.320 | Joint Administrative Hearing |
| 104.330 | Facilities Certified Under Both Medicare and Medicaid |

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

| | |
|---------|--|
| Section | |
| 104.400 | Suspected Intentional Violation of the Program |
| 104.410 | Advance Notice of Administrative Disqualification Hearing |
| 104.420 | Postponement of Hearing |
| 104.430 | Administrative Disqualification Hearing Procedures |
| 104.440 | Failure to Appear |
| 104.450 | Participation While Awaiting a Hearing |
| 104.460 | Consolidation of Administrative Disqualification Hearing with Fair Hearing |

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

104.470 Administrative Disqualification Hearing Decision and Notice of Decision
104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section
104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; preemptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 31 Ill. Reg. 2387, effective January 19, 2007; amended at 32 Ill. Reg. 16797, effective October 6, 2008.

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

Section 104.207 Notice of Contested Paternity Hearing

- a) In a matter referred to a Department Hearing Officer pursuant to 89 Ill. Adm. Code 160.61(c)(3)~~Section 160.61(e)(5)~~ for a contested paternity hearing, the Department shall notify the alleged father of the hearing in writing, setting forth:
- 1) the time, place and nature of the hearing;
 - 2) the legal authority and jurisdiction under which the hearing is to be held;
 - 3) a reference to the particular Sections of the substantive and procedural statutes and rules involved;
 - 4) the consequences of the failure to appear at the hearing; and
 - 5) the Title IV-D case name and identification number, the names and birthdates of the children he is alleged to have fathered and the name of the mother; ~~and~~
 - 6) ~~that the alleged father has the right to demand a judicial trial by jury and that this demand must be made no later than 28 days after receipt of the notice provided pursuant to this Section.~~
- b) No request for a hearing or other pleading need be filed in response to the notice.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 32 Ill. Reg. 16797, effective October 6, 2008)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

| | |
|-------------------------|------------------------|
| <u>Section Numbers:</u> | <u>Adopted Action:</u> |
| 160.5 | Amendment |
| 160.60 | Amendment |
| 160.75 | Amendment |
| 160.140 | Amendment |
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 6, 2008
- 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 materials 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: 32 Ill. Reg. 8490; June 13, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version:

In Section 160.75(a), strike "are incorporated herein by reference" and add "[shall apply in this Section](#)".

In Section 160.75(i)(1), strike "which" and add "[that](#)".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

| <u>Section Numbers:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
|-------------------------|-------------------------|-------------------------------------|
| 160.70 | Amendment | 32 Ill. Reg. 13791; August 22, 2008 |
| 160.71 | Amendment | 32 Ill. Reg. 13791; August 22, 2008 |
| 160.110 | Amendment | 32 Ill. Reg. 13791; August 22, 2008 |
| 160.130 | Amendment | 32 Ill. Reg. 13791; August 22, 2008 |

- 15) Summary and Purpose of Amendments: These amendments clarify the definition "Date of Collection" and specify that retroactive support payments will be addressed upon request from the IV-D client.

Public Act 95-468 provides for entry of a judgment against a payor or an officer or employee of the payor as provided by law if that payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice even when the payor company has been dissolved or gone bankrupt.

Payment information may also be accessed on the child support website 24 hours a day, 7 days a week. The Department received federal approval allowing quarterly production/ mailing in lieu of the monthly Statement of Child Support Account Activity to all TANF and former TANF clients.

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

Tamara Tanzillo Hoffman
Chief of Staff
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 Adopted Amendments begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

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

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

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

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

| | |
|---------|---|
| Section | |
| 160.70 | Enforcement of Support Orders |
| 160.71 | Credit for Payments Made Directly to the Title IV-D Client |
| 160.75 | Withholding of Income to Secure Payment of Support |
| 160.77 | Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies |
| 160.80 | Amnesty – 20% Charge (Repealed) |
| 160.85 | Diligent Efforts to Serve Process |
| 160.88 | State Case Registry |
| 160.89 | Interest |

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

| | |
|---------|-----------------------------------|
| Section | |
| 160.90 | Earmarking Child Support Payments |

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

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

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

| | |
|---------|---|
| Section | |
| 160.140 | Quarterly Notice Statement of Child Support Account Activity |

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805, effective October 6, 2008.

SUBPART A: GENERAL PROVISIONS

Section 160.5 Definitions

"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of Medicaid benefits under 42 USC 1396k and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1].

"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of TANF benefits, pursuant to 42 USC 608(a)(3) and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1] or the Department of Children and Family Services (DCFS), in the case of IV-E foster care, pursuant to 42 USC 671(a)(17) and Section 9.1 of the Children and Family Services Act [20 ILCS 505/9.1].

"Assistance Standard" shall have the meaning ascribed to it in 89 Ill. Adm. Code 111.

"Cancellation" refers to the discontinuance of TANF financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Child" refers to any child under the age of 18 years and any child under the age of 19 years who is still attending high school (see Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]).

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 USC 654).

"Date of Collection" for distribution purposes in all cases refers to the date on which a collection is received by the Department as a result of withholding of an amount by; the Department of Employment Security ~~withholds an amount~~ from a responsible relative's unemployment insurance benefits (UIB) to meet a support obligation ~~when there is withholding of UIB~~; a collection as a result of intercept of a federal income tax refund is received by the Department; or in all other instances, a support payment is received by the State Disbursement Unit (SDU) except that, if current support is withheld by an employer in the month when due and received by the SDU in the month following the month when due, the date of withholding may be deemed to be the date of collection.

"IV-D account receivable" or "support account" refers to a part of the accounting system in KIDS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 USC 651 et seq. and this Part.

"IV-E foster care" or "IV-E" refers to the foster care program set forth in 42 USC 670 et seq.

"Initial receipt in the State" for disbursement purposes in all cases refers to the date on which the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits (UIB) to meet a support obligation, when there is a withholding of UIB, a collection as a result of intercept of a federal income tax refund is received by the Department, or in all other

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

instances, a support payment is received by the State Disbursement Unit.

"Key Information Delivery System" or "KIDS" refers to the data processing system used to process all IV-D cases in Illinois.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 USC 1396k), that is medical assistance to families and individuals wherein no cash payment is made.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

"Support case" refers to a case established in the KIDS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 USC 654).

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"TANF" refers to Temporary Assistance for Needy Families, Title IV-A of the Social Security Act (42 USC 601 et seq.) that is financial and medical assistance available to families with one or more children or on behalf of children in foster care under the guardianship of the Department of Children and Family Services.

"TANF MANG" refers to Medical Assistance No Grant cases in which medical assistance only is available to families with one or more children.

"TANF MANG recipient" refers to a member of a family with one or more children receiving medical assistance only in the current month.

"TANF recipient" refers to a person who is receiving financial and medical assistance under the TANF program in the current month.

"Two business days", for purposes of disbursement of support payments under Subpart F of this Part, shall have the meaning and be qualified in the same manner as in Section 454B of the Social Security Act (42 USC 654b).

"Unreimbursed former AFDC or TANF" refers to the total amount of financial

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 USC 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed former AFDC or TANF", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The "amount of unreimbursed assistance accrued prior to the former AFDC or TANF cancellation", reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Amended at 32 Ill. Reg. 16805, effective October 6, 2008)

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS**Section 160.60 Establishment of Support Obligations**

- a) Definitions
 - 1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.
 - 2) "Service" or "Served" means notice given:
 - A) by personal service, certified mail (with or without return receipt requested) or restricted delivery,
 - B) *by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 447] or by a registered employee of a private detective agency certified under that Act, or*
 - C) *in counties with a population of less than 2,000,000 [305 ILCS 5/10-4], by any method provided by law for service of summons. (See Sections 2-202, 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-202, 2-203 and 2-206].)*

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) "Support Statutes" means the following:
 - A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X];
 - B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
 - C) The Non-Support Punishment Act [750 ILCS 16];
 - D) The Uniform Interstate Family Support Act [750 ILCS 22];
 - E) The Illinois Parentage Act of 1984 [750 ILCS 45]; and
 - F) Any other statute in another state that provides for child support.
 - 4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered.
 - 5) "Child's needs" means:
 - A) the custodial parent's statement of the associated costs, including, but not limited to, providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care; or
 - B) the State's current minimum hourly wage multiplied by 40 hours per work week, multiplied by 4.3 weeks per month, multiplied by the applicable child support guideline percentage contained in subsection (c)(1) of this Section.
- b) Responsible Relative Contact
- 1) Timing and Purpose of Contact
 - A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
 - B) The purpose of contact and interview shall be to obtain relevant facts, including income information (for example, paycheck stubs,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.

- 2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
 - C) that the responsible relative has a legal obligation to support the named persons;
 - D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
 - E) that the responsible relative should bring specified information regarding his income and resources to the interview.
- 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.

c) Determination of Financial Ability

- 1) In cases handled under subsection (d) of this Section, the Family Support Specialist shall determine the amount of child support and enter an administrative support order on the following basis:

| Number of Children | Percent of Responsible Relative's Net Income |
|--------------------|--|
| 1 | 20% |
| 2 | 28% |
| 3 | 32% |

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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| 4 | 40% |
| 5 | 45% |
| 6 or more | 50% |

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(1)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

contain provisions for an automatic increase in the support obligation upon termination of such payment period.

- 2) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine the minimum amount of child support as follows:

| Number of Children | Percent of Responsible Relative's Net Income |
|--------------------|--|
| 1 | 20% |
| 2 | 28% |
| 3 | 32% |
| 4 | 40% |
| 5 | 45% |
| 6 or more | 50% |

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- reasonable and necessary expenses for the production of income;
- ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(2)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- C) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- i) the financial resources and needs of the child;
 - ii) the financial resources and needs of the custodial parent;
 - iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - iv) the physical and emotional condition of the child, and his educational needs; and
 - v) the financial resources and needs of the non-custodial parent.
- D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the amount of child support due in accord with Section 505 and medical support in accordance with Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].
- 4) All orders for support shall include a provision for the health care coverage of the child. In all cases where health insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter, support orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health insurance coverage is being provided. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.
- 5) In cases where the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's needs as defined by subsection (a)(5)(A) or (B) of this Section when the IV-D client requests that such an order for retroactive support be entered or requested.
- 6) The final order in all cases shall state the support level in dollar amounts.
- 7) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or, when proceeding under subsection (e) of this Section, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section, shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].

- 8) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:
 - A) of any new address of the responsible relative;
 - B) of the name and address of any new employer or source of income of the responsible relative;
 - C) of any change in the responsible relative's Social Security Number;
 - D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
 - E) if so, the policy name and number and the names of persons covered under the policy.
- 9) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.
- 10) The Department shall enter administrative support orders, or request the court to enter support orders, that include a statement that if there is an unpaid arrearage or delinquency equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

arrearage or delinquency.

- 11) ~~At the request of the IV-D client, the~~The Department shall enter administrative support orders, or request the court to enter support orders, that include provisions for retroactive support, as follows: ~~when appropriate.~~
- A) In cases handled under subsection (d) of this Section, the Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties' separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), ~~unless, in cases where the IV-D client has never received public assistance during the retroactive time period, the IV-D client waives, by notarized statement, all support during the retroactive support period.~~
- B) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases where the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.
- C) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X], Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14].
- d) Administrative Process

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Use of Administrative Process
 - A) Unless otherwise directed by the Department, the FSS shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:
 - i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;
 - ii) alleged paternity and support is sought from the mother;
 - iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;
 - iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and
 - v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.
 - B) In addition to those items specified in subsection (b)(2) of this Section, the notice of support obligation shall inform the responsible relative of the following:
 - i) that the responsible relative may be required to pay retroactive support as well as current support; and
 - ii) that in its initial determination of child support under subsection (c) of this Section, the Department will only consider factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and
 - iii) that the Department will enter an administrative support

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

order based only on those factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and

- iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
 - v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order, at which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]; and
 - vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will become a final enforceable order of the Department; and
 - vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.
- 2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. When requested by the IV-D client,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~the~~The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section. The FSS shall reduce the total amount of retroactive support determined by the amount of cash contributions made by the responsible relative to the IV-D client for the benefit of the child during the retroactive period as specified in the IV-D client's affidavit of direct contribution. In no event shall credit be given in excess of the total amount of the retroactive support determined.

- 3) Failure to Appear
 - A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought, as defined by subsection (a)(5) of this Section. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.
 - B) The FSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
 - i) financial ability, as determined from the guidelines contained in subsection (c) of this Section, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or
 - ii) income exceeds that reported by the relative.
 - C) The FSS will not issue a subpoena under subsection (d)(3)(B) of

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.

- D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section, the FSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then, after investigation and determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment Security), client statements, employer statements, or the use of the Department's subpoena powers, enter a support order in accord with subsection (c)(1) of this Section.
- 4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22].
- 5) An administrative support order shall include the following:
- A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is ordered;
 - C) the beginning date, amount and frequency of support;
 - D) any provision for health insurance coverage ordered under subsection (c)(4) of this Section;
 - E) a provision for retroactive support ordered under subsection (c)(11), including the total retroactive support obligation and the beginning date, amount (~~that which~~ shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full ~~or the~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~statement that the IV-D client has signed a statement waiving all rights to retroactive support;~~

- F) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (~~that~~^{which} shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;
- G) a provision requiring that support payments be made to the State Disbursement Unit;
- H) a statement informing the client and the responsible relative that they have 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2) of this Section, except that for orders entered as a result of a decision after a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accord with provisions of the Administrative Review Law [735 ILCS 5/Art III];
- I) except where the order was entered as a result of a decision after a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) of this Section and that in order to have the Department consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
- J) in each administrative support order entered or modified on or after January 1, 2002, a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of nine percent per

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

annum.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Family Support Act [750 ILCS 22/320], Section 21.1 of the Illinois Parentage Act of 1984 [750 ILCS 45/21.1] and Section 25 of the Non-Support Punishment Act [750 ILCS 16/25].

- f) Petitions for Release from Administrative Support Orders – Extraordinary Remedies
- 1) Notwithstanding the statements required by subsections (d)(5)(H) and (d)(5)(I) of this Section, more than 30 days after the entry of an administrative support order under subsection (d) of this Section, a party aggrieved by entry of an administrative support order may petition the Department for release from the order on the same grounds as are provided for relief from judgments under Section 2-1401 of the Code of Civil Procedure.
 - 2) Petitions under this subsection (f) must:
 - A) cite a meritorious defense to entry of the order;
 - B) cite the exercise of due diligence in presenting that defense to the Department;
 - C) be filed no later than two years following the entry of the administrative support order, except that times listed below shall be excluded in computing the two years:
 - i) time during which the person seeking relief is under legal disability;
 - ii) time during which the person seeking relief is under duress;
 - iii) time during which the ground for relief is concealed from the person seeking relief;
 - D) be supported by affidavit or other appropriate showing as to matters not supported by the record.
 - 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent, caretaker or responsible relative by

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

certified mail, return receipt requested, or by any manner provided by law for service of process. The filing of a petition under this subsection (f) does not affect the validity of the administrative support order.

(Source: Amended at 32 Ill. Reg. 16805, effective October 6, 2008)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.75 Withholding of Income to Secure Payment of Support

- a) Definitions
The definitions contained in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15] shall apply in this Section, ~~are incorporated herein by reference~~.
- b) Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice
 - 1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by law:
 - A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support; and
 - B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and
 - C) the obligor's Social Security Number disclosed to the court as

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

required by law; and

D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.

2) The income withholding notice prepared by the Department shall:

A) be in the standard format prescribed by the federal Department of Health and Human Services; and

B) state the date of entry of the order for support upon which the income withholding notice is based; and

C) direct any payor to withhold the dollar amount required for current support under the order for support; and

D) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and

E) state the amount of the payor income withholding fee as provided by law; and

F) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and

G) state the duties of the payor and the fines and penalties provided by law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income; and

H) state the rights, remedies, and duties of the obligor, as provided by law; and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- I) include the Social Security Number of the obligor; and
 - J) include the date withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and
 - K) contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office, except that the failure to contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office shall not affect the validity of the income withholding notice; and
 - L) direct any payor to pay over amounts withheld for payment of support to the State Disbursement Unit.
- 3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A) of this Section, if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.
- c) Service of Income Withholding Notice
- 1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within two business days after the date the order is received if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the Department receives the payor's address from the Illinois Directory of New Hires, as established under Section 1801.1 of the Unemployment Insurance Act [820 ILCS 405/1801.1], the Department shall serve an income withholding notice and, where applicable, a National Medical Support Notice, on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.
 - 2) The Department may serve the income withholding notice on the payor or its superintendent, manager, or other agent by ordinary mail or certified

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

mail, return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.

- 3) Notwithstanding the fact that the order for support, under the exception to immediate withholding referred to in subsection (b)(1)(A) of this Section, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.
 - 4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Circuit Court.
- d) Income Withholding After Accrual of Delinquency
- 1) The Department shall prepare and serve an income withholding notice within two business days after the date the obligor accrues a delinquency if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the payor's address is unknown on the date the obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.
 - 2) An income withholding notice prepared by the Department under subsection (d)(1) of this Section shall:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) contain the information required under subsection (b)(2) of this Section; and
 - B) contain the total amount of the delinquency as of the date of the notice; and
 - C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
 - D) be served on the payor and the obligor in the manner provided in subsection (c)(2) of this Section.
- 3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:
- A) a dispute concerning the existence or amount of the delinquency; or
 - B) the identity of the obligor.
- 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A) of this Section, shall apply only to the initial service of an income withholding notice on a payor of the obligor.
- e) Initiated Withholding
- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2) of this Section and states that the parties' written agreement providing an alternative arrangement to immediate withholding

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

under subsection (b)(1)(A) of this Section no longer ensures payment of support, and the reason or reasons why it does not.

- 2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (c)(2) of this Section.
 - 3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) of this Section (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):
 - A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) of this Section continues to ensure payment of support; or
 - B) the identity of the obligor.
- f) Petitions to Modify, Suspend or Terminate an Order for Withholding
- 1) At any time the Department, through its legal representative, may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension, or termination of the underlying order for support;
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) The Department shall serve on the payor, in the manner provided for service of income withholding notices in subsection (c)(2) of this Section, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.
 - 3) The Department may serve a notice on the payor to:
 - A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
 - B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
 - 4) The notice provided for under subsection (f)(3) of this Section shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2) of this Section, and a copy shall be provided to the obligor and the obligee.
- g) **Additional Duties**
The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:
- 1) an offset under federal or State law; or
 - 2) partial payment of the delinquency or arrearage or both.
- h) **Alternative Procedures for Service of an Income Withholding Notice**
- 1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:
 - A) For any reason the most recent order for support entered does not contain the income withholding provisions stated in subsection (b) of this Section, irrespective of whether a separate order for withholding was entered prior to July 1, 1997; and
 - B) The obligor has accrued a delinquency after entry of the most

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

recent order for support.

- 2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d) of this Section, except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.
 - 3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c) of this Section. In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.
- i) Notice to Payor
- Whenever the Department serves an income withholding notice on a payor, notice of the following shall be included in or with the income withholding notice:
- 1) that the payor must begin deducting no later than the next payment of income ~~that~~^{which} is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor;
 - 2) that the payor must pay the amount withheld to the State Disbursement Unit within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
 - 3) that if the payor knowingly fails to withhold the amount designated in the income withholding notice or to pay any amounts withheld to the State Disbursement Unit within seven business days after the date the amount would have been paid or credited to the obligor, the payor is subject to a penalty of \$100 for each day that the amount designated in the income withholding notice (whether or not withheld by the payor) is not paid to the State Disbursement Unit after the period of seven business days has

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

expired;

- 4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;
- 5) that for each deduction the payor must provide the State Disbursement Unit at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
- 6) that for withholding of income, the payor is entitled to a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor;
- 7) that the amount actually withheld for support, the child's health insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act. Income available for withholding shall be applied first to the current support obligation, then to any premium required for employer, labor union, or trade union-related health insurance coverage ordered under the order for support, and then to payment required on past due support obligations. If there is insufficient available income remaining to pay the full amount of the required health insurance premium after withholding of income for the current support obligation, then the remaining available income shall be applied to payments required on past due support obligations;
- 8) require that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income withholding notice to the Department and provide the obligor's last known address and the name and address of the obligor's new payor, if known;
- 9) that withholding of income under the income withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;
- 10) that the income withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the Circuit Court;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 11) that the payor is subject to a fine of up to \$200 for discharging, disciplining or otherwise penalizing an obligor because of the duty to withhold income;
 - 12) that if the payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;
 - 13) that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available on a proportionate share basis, giving priority to current support payments; and
 - 14) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.
- j) Notice to Obligor
When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:
- 1) that income withholding has commenced;
 - 2) the information provided to the payor under subsection (i) of this Section;
 - 3) the procedures and the permissible grounds for contesting withholding commenced under subsection (d), (e) or (h) of this Section, as applicable;
 - 4) that at any time the obligor may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or
 - D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:
 - i) the amount of current support;
 - ii) the amount of the arrearage;
 - iii) the periodic amount for payment of the arrearage; or
 - iv) the periodic amount for payment of the delinquency;
 - 5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days after the change; and
 - 6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed \$200.
- k) Penalties
- In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income withholding notice, or otherwise fails to comply with any income withholding duties imposed by law, the Department, through its legal representatives, may request that the court:
- 1) enter judgment against the payor, or an officer or employee of the payor, as provided by law, and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;
 - 2) impose a penalty or fine upon the payor or invoke any other remedy allowed by law.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- l) **Interstate Income Withholding**
Within the timeframes specified in subsections (c)(1) and (d)(1) of this Section, and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is receiving income from a payor located in another state.
- m) **Use of National Medical Support Notice to Enforce Health Insurance Coverage**
 - 1) When an order for support is being enforced by the Department under this Section, any requirement for health insurance coverage to be provided through an employer, including withholding of premiums from the income of the obligor, shall be enforced through use of a National Medical Support Notice.
 - 2) A National Medical Support Notice shall be served on the employer in the manner and under the circumstances provided for serving an income withholding notice under this Section, except that an order for support that conditions service of an income withholding notice on the obligor becoming delinquent in paying the order for support shall not prevent immediate service of a National Medical Support Notice by the Department. The Department may serve a National Medical Support Notice on an employer in conjunction with service of an income withholding notice. Service of an income withholding notice is not a condition for service of a National Medical Support Notice, however.
 - 3) At the time of service of a National Medical Support Notice on the employer, the Department shall serve a copy of the Notice on the obligor by ordinary mail addressed to the obligor's last known address. The Department shall file a copy of the National Medical Support Notice, together with proofs of service on the employer and the obligor, with the clerk of the circuit court.
 - 4) Within 20 business days after the date of a National Medical Support Notice, an employer served with the Notice shall transfer the severable notice to plan administrator to the appropriate group health plan providing any health insurance coverage for which the child is eligible. As required in the part of the National Medical Support Notice directed to the employer, the employer shall withhold any employee premium necessary for coverage of the child and shall send any amount withheld directly to

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

the plan. The employer shall commence the withholding no later than the next payment of income that occurs 14 days after the date the National Medical Support Notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the employer. Notwithstanding the requirement to withhold premiums from the obligor's income, if the plan administrator informs the employer that the child is enrolled in an option under the plan for which the employer has determined that the obligor's premium exceeds the amount that may be withheld from the obligor's income due to the withholding limitation or prioritization contained in Section 35 of the Income Withholding for Support Act, the employer shall complete the appropriate item in the part of the National Medical Support Notice directed to the employer according to the instructions in the Notice and shall return that part to the Department.

- 5) If one of the following circumstances exists, an employer served with a National Medical Support Notice shall complete the part of the Notice directed to the employer in accordance with the instructions in the Notice and shall return that part to the Department within 20 business days after the date of the Notice:
 - A) The employer does not maintain or contribute to plans providing dependent or family health insurance coverage.
 - B) The obligor is among a class of employees that is not eligible for family health insurance coverage under any group health plan maintained by the employer or to which the employer contributes.
 - C) Health insurance coverage is not available because the obligor is no longer employed by the employer.
- 6) The administrator of a health insurance plan to whom an employer has transferred the severable notice to plan administrator part of a National Medical Support Notice shall complete that part with the health insurance coverage information required under the instructions in the Notice and shall return that part to the Department within 40 business days after the date of the Notice.
- 7) The obligor may contest withholding under this Section based only on a

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

mistake of fact and may contest withholding by filing a petition with the clerk of the circuit court within 20 days after service of a copy of the National Medical Support Notice on the obligor. The obligor must serve a copy of the petition on the Department at the address stated in the National Medical Support Notice. The National Medical Support Notice, including the requirement to withhold any required premium, shall continue to be binding on the employer until the employer is served with a court order resolving the contest or until notified by the Department.

- 8) Whenever the obligor is no longer receiving income from the employer, the employer shall return a copy of the National Medical Support Notice to the Department and shall provide information for the purpose of enforcing health insurance coverage under this Section.
- 9) The Department shall promptly notify the employer when there is no longer a current order for health insurance coverage in effect that the Department is responsible for enforcing.
- 10) Unless stated otherwise in this Section, all of the provisions of this Section relating to income withholding for support shall pertain to income withholding for health insurance coverage under a National Medical Support Notice, including but not limited to, the duties of the employer and obligor, and the penalties contained in Section 35 and Section 50 of the Income Withholding for Support Act. In addition, an employer who willfully fails to transfer the severable notice to plan administrator part of a National Medical Support Notice to the appropriate group health plan providing health insurance coverage for which a child is eligible, within 20 business days after the date of the Notice, is liable for the full amount of medical expenses incurred by or on behalf of the child which would have been paid or reimbursed by the health insurance coverage had the severable notice to plan administrator part of the Notice been timely transferred to the group health insurance plan. This penalty may be collected in a civil action that may be brought against the employer in favor of the obligee or the Department.
- 11) When the administrator of a health insurance plan returns the severable notice to plan administrator portion of a National Medical Support Notice to the Department indicating that there is more than one option available for coverage of the child under the plan, the Department, within 20 days

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

after the date the portion is returned, shall consult with the obligee, select from the available options, and inform the plan administrator of the option selected.

- n) Refund of Improperly Withheld Amounts
The Department shall promptly refund to the obligor amounts found to have been improperly withheld from the obligor's income.

(Source: Amended at 32 Ill. Reg. 16805, effective October 6, 2008)

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section 160.140 Quarterly Notice~~Statement~~ of Child Support Account Activity

- a) The Department will send to current TANF recipients, and former AFDC or TANF recipients, a quarterly notice of child support account activity when the following circumstances exist:
- 1) an IV-D account's receivable has been established;
 - 2) an assignment of support rights is currently in effect or assigned arrearages are owed; and
 - 3) the Department has received a child support payment during the quarter covered by the Notice.
- b) The quarterly Notice of Child Support Account Activity shall contain the following information regarding payments collected during the quarter from each non-custodial parent owing a duty of support to the family:
- 1) the months of the quarter covered by the Notice;
 - 2) the terms of the support order, the child support order number and the beginning date of the support order;
 - 3) the amount of current support collected during each month of the quarter;
 - 4) the amount of arrearages collected during each month of the quarter;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 5) the amount of child support interest collected during each month of the quarter;
 - 6) the amount of support, interest or both that was collected and paid to the family for the quarter covered by the Notice;
 - 7) the amount of support, interest or both that was collected and retained by the Department or sent to another state;
 - 8) the account balance of each month during the quarter;
 - 9) the amount of unreimbursed assistance as of the date of the Notice;
 - 10) the means by which a TANF recipient, or a former AFDC or TANF recipient, can obtain additional information concerning his or her child support account and/or:
 - A) can appeal the Department's distribution of support, in the case of a current TANF recipient; or
 - B) dispute the distribution of support by requesting an account review, in the case of a former AFDC or TANF recipient.
- c) In addition to the information required by subsection (b) of this Section, the Quarterly Notice of Child Support Account Activity sent to former AFDC or TANF recipients shall contain the following:
- 1) the effective month and year of AFDC or TANF cancellation;
 - 2) the total amount of support due at AFDC or TANF cancellation that remains unpaid under the support order; and
 - 3) the total amount of current support due after AFDC or TANF cancellation that remains unpaid under the support order.
- d) In the case of a current TANF recipient, the Quarterly Notice of Child Support Account Activity shall also contain an insert setting forth the Department's policy on earmarking income pursuant to Section 160.90.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~The Department will send to each TANF recipient and each former AFDC or TANF recipient a "Statement of Child Support Account Activity ("Notice")", in accordance with the provisions of subsections (a) through (c) below:~~

- a) ~~Notice Sent Monthly to TANF Recipients~~
 - 1) ~~The Department will send a notice monthly to each TANF recipient for whom a IV-D accounts receivable has been established. This notice will include the following information for the third previous month:~~
 - A) ~~the terms of each support order, the support order number, and beginning date of each support order;~~
 - B) ~~the account balance of each support order for the reporting month;~~
 - C) ~~total amount paid in the reporting month under each support order;~~
 - D) ~~identification of the reporting month;~~
 - E) ~~total payments received for all support orders for the reporting month;~~
 - F) ~~the amount of unreimbursed assistance;~~
 - G) ~~the distribution of support payments for the 11 month period for which distribution is complete, including:~~
 - i) ~~the amount of support received;~~
 - ii) ~~TANF grant amount;~~
 - iii) ~~amount of support paid to the client as current, Pass Through and excess;~~
 - iv) ~~the amount of support retained to reimburse the Department;~~
 - v) ~~the amount of support applied to future obligations; and~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- H) ~~the means by which a TANF recipient can obtain additional information concerning her child support account and/or can appeal the Department's determination.~~
- 2) ~~The notice will also contain an insert setting forth the Department's policy on earmarking income pursuant to Section 160.90.~~
- b) ~~Notice Sent to Former AFDC or TANF Recipients in the First and Second Month Following Case Cancellation~~
~~For two consecutive months following the month of AFDC or TANF cancellation, the Department will send to each former AFDC or TANF recipient for whom a IV-D accounts receivable has been established, a notice which includes the following information for her case:~~
- 1) ~~the effective month and year of AFDC or TANF cancellation;~~
 - 2) ~~the terms of each support order, the support order number, and beginning date of each support order;~~
 - 3) ~~total amount paid in the reporting month under each support order;~~
 - 4) ~~the total amount of support due at AFDC or TANF cancellation which remains unpaid under each support order;~~
 - 5) ~~the total amount of current support due after AFDC or TANF cancellation which remains unpaid under each support order;~~
 - 6) ~~identification of the reported month;~~
 - 7) ~~the remaining amount of unreimbursed assistance accrued prior to the AFDC or TANF cancellation;~~
 - 8) ~~the distribution of support payments for the five month period for which distribution is complete, including:~~
 - A) ~~the amount of support received;~~
 - B) ~~AFDC or TANF grant amount;~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~C) amount of support paid to the client as current, Pass Through and excess;~~
 - ~~D) the amount of support retained to reimburse the Department;~~
 - ~~E) the amount of support applied to future obligations;~~
 - ~~9) the total amount of child support collected in the prior month and the source of collection;~~
 - ~~10) the total amount of support paid to the client (i.e., current, excess and past due) for the prior month;~~
 - ~~11) the amount of support retained to reimburse the Department; and~~
 - ~~12) the means by which a former AFDC or TANF recipient can obtain additional information concerning her child support account and/or can dispute the distribution of support by requesting an account review.~~
- e) ~~Notice Sent to Former AFDC or TANF Recipients in the Third Month Following Case Cancellation and for Any Subsequent Month for Which the Department Receives a Child Support Payment~~
The Department will send to each former AFDC or TANF recipient (for whom a IV-D accounts receivable has been established) beginning with the third month following the month of AFDC or TANF cancellation and for any subsequent month for which the Department receives a child support payment, a notice which includes the following information:
- ~~1) the effective month and year of AFDC or TANF cancellation;~~
 - ~~2) the terms of each support order, the support order number, and beginning dates of each support order;~~
 - ~~3) total amount paid in the prior month under each support order;~~
 - ~~4) the total amount of support due at AFDC or TANF cancellation which remains unpaid under each support order;~~
 - ~~5) the total amount of current support due after AFDC or TANF cancellation~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~which remains unpaid under each support order;~~

- ~~6) identification of the prior month;~~
- ~~7) the remaining amount of unreimbursed assistance accrued prior to the AFDC or TANF cancellation;~~
- ~~8) the total amount of support paid to the client (i.e., current and past due) for the prior month;~~
- ~~9) the total amount of child support collected in the prior month and the source of collection;~~
- ~~10) the amount of support retained to reimburse the Department; and~~
- ~~11) the means by which a former AFDC or TANF recipient can obtain additional information concerning her child support account and/or can dispute the distribution of support by requesting an account review.~~

(Source: Amended at 32 Ill. Reg. 16805, effective October 6, 2008)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Storage, Transportation, Sale, and Use of Liquefied Petroleum Gas
- 2) Code Citation: 41 Ill. Adm. Code 200
- 3)

| <u>Section Numbers</u> : | <u>Adopted Action</u> : |
|--------------------------|-------------------------|
| 200.5 | Amended |
| 200.7 | Amended |
| 200.10 | Amended |
| 200.20 | Amended |
| 200.30 | Amended |
| 200.40 | Amended |
| 200.50 | Amended |
| 200.55 | New |
| 200.60 | Amended |
| 200.70 | Amended |
| 200.190 | Repealed |
- 4) Statutory Authority: 430 ILCS 5/3
- 5) Effective Date of the Rulemaking: October 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, the incorporation is located in Section 200.7.
- 8) A copy of the adopted amendments, including any material incorporated by reference, are on file in the agency's principal office and available for public inspection. The agency has ordered a copy of all referenced standards identified in Section 200.7, and such materials will be available for public inspection in the agency's principal office.
- 9) Date Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 8840; June 20, 2008
- 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 agreement issued by JCAR? Yes

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending? No
- 15) Summary and Purpose of the Rulemaking: The underlying purpose for these amendments is to adopt the current published national standards.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

John Fennell
General Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

217/785-0969

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 200

STORAGE, TRANSPORTATION, SALE, AND USE
OF LIQUEFIED PETROLEUM GAS

Section

| | |
|---------------|--|
| 200.5 | Introduction |
| 200.7 | Incorporations by Reference |
| 200.10 | Storage and Handling of Liquefied Petroleum Gases |
| 200.20 | Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants |
| 200.30 | Rules for For Installation of Gas Appliances and And Gas Piping |
| 200.40 | Storage and Handling of Liquefied Petroleum Gas at Gas Processing Plants |
| 200.50 | Installations Must Be in In Compliance |
| <u>200.55</u> | <u>Conversion of Anhydrous Ammonia Storage Tanks to LPG Storage</u> |
| 200.60 | Submittal of Of Plans |
| 200.70 | Applications, Plans and Blueprints; Fencing Standards Must Be Filed in Triplicate —What Applications and Drawings Must Show |
| 200.80 | Operation of Installation Prohibited Until Final Inspection and Approval |
| 200.90 | No Supplier Shall Service Any Installation Not In Compliance With Law |
| 200.100 | Personnel Must be Properly Trained |
| 200.110 | No Self Service Permitted |
| 200.120 | Interstate Commerce Commission or Department of Transportation Containers (Repealed) |
| 200.160 | Cylinder System Installations (Bottled Gas) (Repealed) |
| 200.170 | Minimum Safety Requirements for Manifolding American Society of Mechanical Engineers Containers (Repealed) |
| 200.180 | Location of Containers (Repealed) |
| 200.190 | Abandoned Tanks (<u>Repealed</u>) |
| 200.200 | Marking of Tank Trucks and Trailers (Repealed) |
| 200.210 | Lighting Requirements on Trucks and Trailers (Repealed) |
| 200.230 | Drivers of Trucks and Trailers Must Be Properly Trained (Repealed) |
| 200.240 | When Tank Truck May Not Be Left Unattended (Repealed) |
| 200.250 | Tank Trucks and Tractors Must Be In Good Repair (Repealed) |
| 200.260 | Parking In Congested Areas Prohibited (Repealed) |
| 200.270 | Travel In Heavy Traffic Districts To Be Avoided (Repealed) |
| 200.280 | Gear Shift Requirements for Loaded Tank Trucks (Repealed) |
| 200.290 | Semi-Trailers Loading and Unloading (Repealed) |

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 200.300 Fire Extinguisher Requirements (Repealed)
- 200.310 Excess Flow Valves Not To Be Tampered With (Repealed)
- 200.320 When Transportation and Sale Prohibited (Repealed)
- 200.330 Containers To Be Transported In Upright Position (Repealed)
- 200.340 Fireworks Prohibited
- 200.350 Additional Safety Measures Authorized

AUTHORITY: Authorized by and implementing Section 3 of the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3].

SOURCE: Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gases, filed October 15, 1971; codified at 5 Ill. Reg. 10697; amended at 8 Ill. Reg. 2467, effective June 1, 1984; amended at 19 Ill. Reg. 11455, effective August 1, 1995; amended at 21 Ill. Reg. 4999, effective April 15, 1997; amended at 23 Ill. Reg. 4227, effective April 1, 1999; amended at 25 Ill. Reg. 3655, effective March 1, 2001; amended at 26 Ill. Reg. 10814, effective July 1, 2002; amended at 30 Ill. Reg. 9325, effective May 2, 2006; amended at 32 Ill. Reg. 16850, effective October 1, 2008.

Section 200.5 Introduction

Pursuant to the authority conferred upon the Office of the State Fire Marshal ([OSFM](#)) by Section 3 of the Liquid Petroleum Gas Regulation Act [430 ILCS 5/3], ~~OSFM~~[the Office of the State Fire Marshal](#) is adopting this Part in relation to the storage, transportation, sale and use of liquefied petroleum gases.

(Source: Amended at 32 Ill. Reg. 16850, effective October 1, 2008)

Section 200.7 Incorporations by Reference

- a) The following materials are incorporated by reference in this Part:
 - 1) The American Petroleum Institute (API), 1220 L Street, NW, Washington, DC 20005-4070.
 - API 2510 Design and Construction of LPG [Installations](#)~~Installation~~
 - 2) The National Fire Protection Association (NFPA); 1 Batterymarch Park, Quincy MA 02169-7471.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- A) NFPA 54: National Fuel Gas Code
- B) NFPA 58: Liquefied Petroleum Gas Code
- C) NFPA 59: Utility LP-Gas Plant Code
- D) NFPA 1192 Standard on Recreational Vehicles

- b) No incorporation by reference in this Part includes any later amendment or edition beyond the date stated in the text of this Part.

(Source: Amended at 32 Ill. Reg. 16850, effective October 1, 2008)

Section 200.10 Storage and Handling of Liquefied Petroleum Gases

RequirementsStandards for the storageStorage and handlingHandling of liquefied petroleum gasesLiquefied Petroleum Gases as contained in the 20082004 Edition (~~except that Section 5.2.3, regarding the requalification of cylinders filled on site, will not be effective until January 1, 2008~~) of NFPA 58 (Liquefied Petroleum Gas Code) are mandatory.

(Source: Amended at 32 Ill. Reg. 16850, effective October 1, 2008)

Section 200.20 Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants

RequirementsStandards for the storageStorage and handlingHandling of liquefied petroleum gasesLiquefied Petroleum Gases at utility gas plantsUtility Gas Plants as published in the 20082004 Edition of NFPA 59 (Utility LP-Gas Plant Code) are mandatory.

(Source: Amended at 32 Ill. Reg. 16850, effective October 1, 2008)

Section 200.30 Rules ~~for~~ Installation of Gas Appliances and Gas Piping

RequirementsStandards for the installationInstallation of gas appliancesGas Appliances and gas pipingGas Piping as published in the 20062002 Edition of NFPA 54 (National Fuel Gas Code) are mandatory. Standards for fuel systemsFuel Systems and equipmentEquipment in recreational vehiclesRecreational Vehicles as published in the 20082002 Edition of NFPA 1192 (StandardStandards on Recreational Vehicles) are mandatory.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 16850, effective October 1, 2008)

Section 200.40 Storage and Handling of Liquefied Petroleum Gas at Gas Processing Plants

Storage and handling of liquefied petroleum gas at natural gas processing plants, refineries, and petrochemical plants shall comply with the ~~8th 1995~~ Edition ~~(2001)~~ of Standard API 2510 ~~of the American Petroleum Institute~~ (Design and Construction of Liquefied Petroleum Gas Installations (LPG) Installation).

(Source: Amended at 32 Ill. Reg. 16850, effective October 1, 2008)

Section 200.50 Installations Must Be ~~in~~ Compliance

The installations of containers by every person, firm or corporation making ~~thesuch~~ installation, and the design, construction and location of ~~thesuch~~ containers and pertinent equipment, shall be in compliance with ~~this Part these rules and regulations. In any instance where a container of approved construction and design has been used to contain anhydrous ammonia or any other product, the container shall be thoroughly purged of the other product before it is placed into service for liquefied petroleum gas and a tag attesting to the thorough purging of the container shall be placed near the fill valve of the container before liquefied petroleum gas is placed into the container.~~

(Source: Amended at 32 Ill. Reg. 16850, effective October 1, 2008)

Section 200.55 Conversion of Anhydrous Ammonia Storage Tanks to LPG Storage

Except for containers used in cargo tank vehicle service, ASME containers of 3,000 gallons water capacity or less used to store anhydrous ammonia shall not be converted to LP-Gas fuel service. For other size containers, when a container of approved construction and design has been used to contain anhydrous ammonia or any other product, the container shall be thoroughly purged of the other product before it is placed into service for LP-Gas and a tag attesting to the thorough purging of the container shall be placed near the fill valve of the container before LP-Gas is placed into the container.

(Source: Added at 32 Ill. Reg. 16850, effective October 1, 2008)

Section 200.60 Submittal ~~of~~ Plans

Plans and applications for fixed installations shall be submitted to ~~the~~ OSFM before construction

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

when utilizing storage containers of over 2,000 gallons individual water capacity or when the aggregate water capacity exceeds 4,000 gallons, and ~~for~~ container filling ~~locations~~ plants regardless of tank capacity. Temporary (not to exceed 6 months) installations, although required to comply with all applicable installation and operating requirements prescribed by adopted codes, are not required to submit plans and applications or undergo an on-site inspection by OSFM.

(Source: Amended at 32 Ill. Reg. 16850, effective October 1, 2008)

Section 200.70 Applications, Plans and Blueprints; Fencing Standards Must Be Filed in Triplicate — ~~What Applications and Drawings Must Show~~

Applications for approval of installations shall be made out in triplicate on blanks furnished by ~~OSFM~~ the Office of the State Fire Marshal (OSFM) and shall be accompanied by drawings or blueprints in triplicate made to scale, with all dimensions indicated on the plans. These applications, drawings, or blueprints must be approved by ~~the~~ OSFM before any new construction or addition is undertaken. Approval will be granted if all requirements of this ~~as specified in~~ Part ~~200~~ are met. Drawings or blueprints shall bear the name of the person, firm or corporation proposing the installation, ~~the location with reference to city, village or incorporated town, and shall in~~ In addition, drawings or blueprints shall ~~thereto~~ show the following:

- a) The plot of ground to be utilized and its immediate surroundings on all sides, the complete layout of the tanks, the capacity of each tank, the type of tank supports, type of construction of each building and all clearances as required by NFPA ~~Standard No. 58~~ (see Section 41 Ill. Adm. Code 200.10).
- b) The location with respect to city, village or incorporated town, ~~naming and shall name~~ adjacent railroads and side tracks and ~~showings shall show~~ the clearance between tanks and closest passenger train tracks, between tracks at the point where the tank car will be placed for unloading and the nearest passenger train tracks, and between unloading docks and closest passenger train tracks.
- c) Whether ~~or not~~ the surrounding area is congested or heavily populated.
- d) Fencing and enclosures.
 - 1) The method and location of fencing or other devices used to protect the LP-Gas container ~~At fixed installations utilizing storage containers of over 2,000 gallons individual water capacity or when the aggregate water~~

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

~~capacity exceeds 4,000 gallons and at locations where containers are filled, the facilities shall be protected~~ against collision and tampering, as specified in NFPA 58 ~~(see 41 Ill. Adm. Code 200.10)~~. Facilities existing on January 1, 1984 shall comply with this Part~~these rules~~ or the prior~~rules~~ in existence at the time of construction. Where LP-Gas containers~~these facilities~~ are located at an establishment completely enclosed by fencing equivalent to that required by NFPA 58~~hereinafter set forth~~, an additional enclosure for containers installed~~facilities~~ within the fencing establishment shall not be required, except that, if containers are accessible to vehicular traffic, the containers~~such container facilities~~ shall be enclosed or encircled by a guard rail, or by posts ~~six (6)~~ inches or more in diameter set in firm ground to a depth of at least ~~twenty-four (24)~~ inches and rising aboveground to a height of ~~thirty (30)~~ inches or more set at intervals of not more than ~~six (6)~~ feet.

- 2) Walls~~Building walls~~ of buildings that are part of the establishment and ~~have are so located together with~~ adjacent fencing to enclose the facilities shall be acceptable as a portion of any necessary fencing. There shall be no gap or opening between the building wall and the adjacent fencing. Walls of buildings shall not form more than two sides of enclosures for LP-Gas containers. Required means of egress from buildings shall not pass through enclosures for LP-Gas. When building walls are used as part of enclosures, the separation distance from the LP-Gas container to the building shall comply with NFPA 58.~~Such building walls may be used as a part of such enclosure only when the same does not contain any direct means of ingress or egress from the street or other portions of the building to the storage area to be enclosed.~~
- e) The location and type of~~That~~ lights conforming to NFPA 58 ~~(see 41 Ill. Adm. Code 200.10)~~ will be provided to illuminate storage containers, control valves and other equipment, if loading or unloading ~~is are~~ normally done during other than daylight hours.
- f) The location of any container~~Container~~ filling or LP-Gas dispensing devices.
 - 1) ~~That the container filling plant and motor fuel dispensing facilities will conform to the following:~~
 - A) ~~The container filling or motor fuel dispensing facilities shall be~~

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

~~located not less than:~~

- ~~i) 10 ft. from bulk storage containers.~~
 - ~~ii) 10 ft. from pumps and compressors.~~
 - ~~iii) 25 ft. from line of adjoining property which may be built upon based on existing zoning. However, the distance may be reduced to 10 feet where permitted in NFPA 58 (see 41 Ill. Adm. Code 200.10).~~
- ~~B) The pumps and compressors may be located in the container filling room or separate buildings located not less than:~~
- ~~i) 10 ft. from bulk storage tanks.~~
 - ~~ii) 25 ft. from line of adjoining property which may be built upon.~~
 - ~~iii) 25 ft. from sources of ignition based on existing zoning. However, the distance may be reduced where permitted in NFPA 58 (see 41 Ill. Adm. Code 200.10).~~
- ~~2) Where a part of the container filling building is to be used for a boiler room, or where open flames or similar sources of ignition exist or are employed, the space to be so occupied shall be separated from container charging room by a partition wall or walls of fire resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls and ceiling or roof in a manner to effect a permanent gas tight joint.~~
- ~~g) That all piping, tubing and fittings will be in compliance with the appropriate standards for the intended use as specified in 41 Ill. Adm. Code 200.10, 41 Ill. Adm. Code 200.20 and 41 Ill. Adm. Code 200.30.~~
 - ~~h) That proposals for additional storage and additions shall show the entire installation to be in full compliance with 41 Ill. Adm. Code 200.10, 41 Ill. Adm. Code 200.20, 41 Ill. Adm. Code 200.30 as is appropriate for the intended use.~~

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 16850, effective October 1, 2008)

Section 200.190 Abandoned Tanks (Repealed)

~~A tank which is abandoned shall have the fuel removed and the tank filled with water.~~

(Source: Repealed at 32 Ill. Reg. 16850, effective October 1, 2008)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Fire Equipment Distributor and Employee Standards
- 2) Code Citation: 41 Ill. Adm. Code 251
- 3) Section Number: 251.120 Adopted Action:
New
- 4) Statutory Authority: Section 30 of the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216/30]
- 5) Effective Date of Adopted Amendment: October 1, 2008
- 6) Does the rulemaking include an automatic repealer date: January 1, 2011
- 7) Does this rulemaking contain incorporation by reference: Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703, and is available for public inspection.
- 9) Notices of Proposed Rules published in the Illinois Register: 32 Ill. Reg. 9097; June 27, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposed and final versions: 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 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: This rulemaking permits governmental entities time to comply their existing dry chemical and wet chemical fire extinguishing systems to UL 300 "Standard for Fire Testing of Fire Extinguishing Systems for Protection of Commercial Cooking Equipment" identified in NFPA 17, 17A, and 96.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

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

John J. Fennell Jr.
General Counsel's Office
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217/558-1320

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 251
FIRE EQUIPMENT DISTRIBUTOR AND EMPLOYEE STANDARDS

| | |
|-------------------------|---|
| Section | |
| 251.10 | Scope |
| 251.20 | Definitions |
| 251.25 | Incorporations by Reference |
| 251.30 | Trainee |
| 251.40 | Tagging |
| 251.50 | Certification Tags |
| 251.60 | Tamper Seals |
| 251.70 | Labeling |
| 251.80 | Subcontracting |
| 251.90 | Portable Fire Extinguishers |
| 251.100 | Pre-Engineered Fire Suppression Systems |
| 251.110 | Engineered Fire Suppression Systems |
| 251.120 | Existing Dry Chemical and Wet Chemical Fire Extinguishing Systems |

AUTHORITY: Implementing and authorized by the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216].

SOURCE: Adopted at 32 Ill. Reg. 4179, effective March 5, 2008; amended at 32 Ill. Reg. 16860, effective October 1, 2008.

Section 251.120 Existing Dry Chemical and Wet Chemical Fire Extinguishing Systems

- a) [All existing dry chemical and wet chemical fire extinguishing systems installed for the protection of commercial cooking operations that produce grease-laden vapors shall comply with the UL 300 "Standard for Fire Testing of Fire Extinguishing Systems for Protection of Commercial Cooking Equipment", identified in NFPA 17, 17A, and 96.](#)
- b) [All existing extinguishing systems shall comply by January 1, 2010, except as otherwise permitted in subsection \(c\).](#)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENT

- c) All existing extinguishing systems installed in occupancies that are owned or operated by a governmental entity shall comply by January 1, 2011.

(Source: Added at 32 Ill. Reg. 16860, effective October 1, 2008)

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3)

| | |
|--------------------------|-------------------------|
| <u>Section Numbers</u> : | <u>Adopted Action</u> : |
| 1910.11 | Repealed |
| 1910.12 | New |
| 1910.20 | Amended |
| 1910.91 | Repealed |
- 4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- 5) Effective Date of Rulemaking: October 1, 2008
- 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 the Illinois Register: January 4, 2008; 32 Ill. Reg. 24
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Changes made between the proposal and the final version of the rules include withdrawing all proposed rule changes with the exception of repealing Section 1910.11, adopting Section 1910.12, amending Section 1910.20 and repealing Section 1910.91. All other proposed changes were withdrawn by agreement.
- 12) Have all 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

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This rulemaking primarily is designed to adopt a Section that will allow Board members to attend a meeting of the Property Tax Appeal Board by means other than by being physically present and to be in compliance with the Open Meetings Act (5 ILCS 120). One Section was amended to provide an additional website for the Property Tax Appeal Board and two Sections were repealed that were determined to be unnecessary to the appeal process.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Steven M. Waggoner – Chief Hearing Officer
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706

217/785-4459
steve.waggoner@illinois.gov

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

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER II: PROPERTY TAX APPEAL BOARDPART 1910
PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

| Section | |
|-------------------------|---|
| 1910.5 | Construction and Definitions |
| 1910.10 | Statement of Policy |
| 1910.11 | Rules of Order (Repealed) |
| 1910.12 | Meetings of the Board |
| 1910.20 | Board Information – Correspondence |
| 1910.25 | Computing Time Limits |
| 1910.30 | Petitions – Application |
| 1910.31 | Amendments |
| 1910.40 | Board of Review Response to Petition Application |
| 1910.50 | Determination of Appealed Assessment |
| 1910.55 | Stipulations |
| 1910.60 | Interested Parties – Intervention |
| 1910.63 | Burdens of Proof |
| 1910.64 | Motion Practice – Service of Papers |
| 1910.65 | Documentary Evidence |
| 1910.66 | Rebuttal Evidence |
| 1910.67 | Hearings |
| 1910.68 | Subpoenas |
| 1910.69 | Sanctions |
| 1910.70 | Representation at Hearings |
| 1910.71 | Ex Parte Communications |
| 1910.72 | Informal Settlement Conference |
| 1910.73 | Pre-hearing Conference – Formal Settlement Conference |
| 1910.74 | Administrative Review |
| 1910.75 | Access to Board Records – Freedom of Information Procedures |
| 1910.76 | Board Publications – Distribution |
| 1910.77 | Withdrawals and Substitutions of Attorneys |
| 1910.78 | Consolidation of Appeals |
| 1910.79 | Policy on Discovery |
| 1910.80 | Forms |
| 1910.88 | Use of Facsimile Machines |

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|---|
| 1910.90 | Procedural Hearing Rules |
| 1910.91 | Business Records (Repealed) |
| 1910.92 | Rules of Pleading, Practice and Evidence |
| 1910.93 | Request for Witnesses |
| 1910.94 | Inspection of Subject Property – Effect of Denial by Taxpayer or Property Owner |
| 1910.95 | Service of Documents in Certain Cases |
| 1910.96 | Evidence Depositions |
| 1910.98 | Transcription of Hearings – Official Record |
| 1910.99 | Adoption of Evidence |
| 1910.100 | Severability |

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006; amended at 30 Ill. Reg. 7965, effective April 14, 2006; amended at 30 Ill. Reg. 10103, effective May 16, 2006; expedited correction at 30 Ill. Reg. 14633, effective May 16, 2006; amended at 30 Ill. Reg. 12280, effective June 30, 2006; amended at 30 Ill. Reg. 14148, effective August 11, 2006; amended at 30 Ill. Reg. 16311, effective September 29, 2006; amended at 31 Ill. Reg. 16222, effective November 26, 2007; amended at 32 Ill. Reg. 16864, effective October 1, 2008.

Section 1910.11 Rules of Order (Repealed**)**

~~The latest edition of Robert's Rules of Order shall govern the meetings of the Property Tax Appeal Board, except in such instances where they are inconsistent with the Property Tax Code, the Open Meetings Act, or this Part.~~

(Source: Repealed at 32 Ill. Reg. 16864, effective October 1, 2008)

Section 1910.12 Meetings of the Board

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) This Section is to be construed and administered in accordance with the appropriate provisions of the Open Meetings Act [5 ILCS 120]. All meetings of the Property Tax Appeal Board are open to the public, except that meetings or portions of meetings may, upon a majority vote of a quorum present, be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act [5 ILCS 120/2 and 2a].
- b) Participation in Meetings: Participation in meetings is limited to the Board members and the Board's staff. The Board may waive this limitation except when waiver is inconsistent with the Property Tax Code, the Open Meetings Act, or this Part.
- c) Public Notice: The Board shall post, on or before January 1 of each year, its tentative schedule of meetings for that calendar year stating the date, time and place of the meetings. This publication, however, shall not preclude the Board from changing the date of a meeting when necessary to achieve the attendance of the maximum number of Board members, to account for weather emergencies, or other extraordinary circumstances.
- d) Meeting Agenda and Posting: The Board shall prepare an agenda for each meeting. The agenda shall constitute notice of the matters to be heard by the Board at that meeting. The agenda for each regular meeting shall be posted at the Board's principal office in Springfield and at the location where the meeting is to be held, in an area easily accessible to the public, and at the earliest practicable date, but in no event less than 48 hours prior to the scheduled meeting. Agendas for regular meetings are for information purposes only. Inclusion of an item on the agenda shall not require the Board's consideration.
- e) Special Meetings: Special meetings may be called at any time, in conformance with the Open Meetings Act [5 ILCS 120], by the Chair of the Board through the Executive Director.
- f) Minutes: Minutes of open Board meetings shall be taken by the Executive Director or an assigned designee and shall be available for public inspection within 7 days after their approval by the members. Minutes shall include the date, time and place of the meeting, the members of the Board recorded as either present or absent, whether members were physically present or present by means of video or audio conference, a summary of discussion on all matters proposed, deliberated or decided, and a record of any votes taken. The Board shall post the

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

minutes of a regular meeting open to the public on the Board's website within 7 days after approval of the minutes by the Board. Any minutes of meetings open to the public posted on the Board's website shall remain posted on the website for at least 60 days after their initial posting. (See Section 2.06 of the Open Meetings Act [5 ILCS 120/2.06].)

- g) Quorum and Voting: Three members of the Board shall constitute a quorum for the transaction of business and the affirmative vote of three members is necessary to adopt any final decision, motion, resolution or ordinance. Members attending the meeting by physical presence, video or audio conference shall constitute an attendance at a Board meeting. Each member attending a meeting shall have one vote in any matter before the Board. Voting shall be by voice vote and shall be recorded by the Executive Director or an assigned designee.
- h) Attendance by Means Other than Physical Presence:
- 1) Any member of the Board may participate in any meeting of the Board by video or audio conference provided that a quorum of the members of the Board is physically present and a majority of the Board allows the member to attend by video or audio conference, and the member is prevented from attending the meeting because of:
 - A) personal illness or disability;
 - B) employment purposes or the business of the Board; or
 - C) a family or other emergency.
 - 2) If a member wishes to attend a meeting by the means specified in this subsection (h), the member shall notify the Executive Director at least 24 hours before the meeting unless advance notice is impractical.

(Source: Added at 32 Ill. Reg. 16864, effective October 1, 2008)

Section 1910.20 Board Information – Correspondence

- a) Communications
All communications to the Illinois Property Tax Appeal Board shall be addressed to the Clerk of the Property Tax Appeal Board, 402 William G. Stratton Building,

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

401 S. Spring Street, Springfield, Illinois 62706-0002, unless otherwise directed. The main telephone number is (217)782-6076. The facsimile number is (217)785-4425. The office of the Clerk of the Property Tax Appeal Board at Springfield, Illinois is the official location of the Board for the filing of papers for all counties.

- b) The regional office of the Illinois Property Tax Appeal Board in Cook County is located at 9511 West Harrison Street, Suite 171, Des Plaines, Illinois 60016. The main telephone number is (847)294-4121.
- c) The website ~~addresses~~address of the Illinois Property Tax Appeal Board ~~are~~is www.state.il.us/agency/ptab ~~and~~ www.ptabil.com.
- d) The official business hours of the Illinois Property Tax Appeal Board are 8:30 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays for the State of Illinois.

(Source: Amended at 32 Ill. Reg. 16864, effective October 1, 2008)

Section 1910.91 Business Records (Repealed)

- a) ~~Business records shall be admissible. A business record is:~~
 - 1) ~~Relevant;~~
 - 2) ~~A memorandum, report, record or data compilation;~~
 - 3) ~~Made by a person with first-hand knowledge of the facts;~~
 - 4) ~~Made at or near the time of the facts;~~
 - 5) ~~Made as part of the regular practice of the business activity; and~~
 - 6) ~~Kept in the course of the regularly conducted business activity.~~
- b) ~~Any party may prove elements outlined in subsections (a)(3) through (a)(6) by the testimony of the custodian responsible for making or keeping those records or another qualified witness that is familiar with the manner in which records are~~

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~maintained and the general procedures for maintaining such records in the ordinary course of business.~~

- e) ~~Any party seeking introduction of a business document will be allowed to offer a mechanical reproduction or carbon copy of the original without any showing that the original is unavailable, upon representation of the party that the copy is a true and accurate copy of the original.~~

(Source: Repealed at 32 Ill. Reg. 16864, effective October 1, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

| | |
|-------------------------|---------------------------|
| <u>Section Numbers:</u> | <u>Peremptory Action:</u> |
| 310.APPENDIX A TABLE P | Amendment |
| 310.APPENDIX A TABLE W | Amendment |
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table P to reflect the Memorandum of Understanding (MOU) between CMS and the Illinois Federation of Public Employees (IFPE) that was signed September 25, 2008. The MOU assigns the Fingerprint Technician Supervisor title to the pay grade RC-029-17.

CMS is amending Section 310.Appendix A Table W to reflect the MOU between CMS and the American Federation of State, County and Municipal Employees (AFSCME) that were signed September 25, 2008. The MOU assigns the Child Support Specialist I title to the pay grade RC-062-16, Child Support Specialist II title to the pay grade RC-062-17, Child Support Specialist Trainee title to the pay grade RC-062-12.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: October 3, 2008
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table P, Fingerprint Technician Supervisor title, its title code 15208, RC-029 bargaining unit and pay grade 17 are added to the title table.

In Section 310.Appendix A Table W, the Child Support Specialist I title, its title code 07198, RC-062 bargaining unit and pay grade 16, the Child Support Specialist II title, its title code 07199, RC-062 bargaining unit and pay grade 17, and Child Support Specialist Trainee title, its title code 07200, RC-062 bargaining unit and pay grade 12 are added to the title table.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: October 3, 2008

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

| | |
|---------|--|
| Section | |
| 310.20 | Policy and Responsibilities |
| 310.30 | Jurisdiction |
| 310.40 | Pay Schedules |
| 310.45 | Comparison of Pay Grades or Salary Ranges Assigned to Classifications |
| 310.47 | In-Hiring Rate |
| 310.50 | Definitions |
| 310.60 | Conversion of Base Salary to Pay Period Units |
| 310.70 | Conversion of Base Salary to Daily or Hourly Equivalents |
| 310.80 | Increases in Pay |
| 310.90 | Decreases in Pay |
| 310.100 | Other Pay Provisions |
| 310.110 | Implementation of Pay Plan Changes |
| 310.120 | Interpretation and Application of Pay Plan |
| 310.130 | Effective Date |
| 310.140 | Reinstitution of Within Grade Salary Increases (Repealed) |
| 310.150 | Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed) |

SUBPART B: SCHEDULE OF RATES

| | |
|---------|--|
| Section | |
| 310.205 | Introduction |
| 310.210 | Prevailing Rate |
| 310.220 | Negotiated Rate |
| 310.230 | Part-Time Daily or Hourly Special Services Rate (Repealed) |
| 310.240 | Daily or Hourly Rate Conversion |
| 310.250 | Member, Patient and Inmate Rate |
| 310.260 | Trainee Rate |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | |
|---------|---|
| 310.270 | Legislated and Contracted Rate |
| 310.280 | Designated Rate |
| 310.290 | Out-of-State Rate (Repealed) |
| 310.295 | Foreign Service Rate (Repealed) |
| 310.300 | Educator Schedule for RC-063 and HR-010 |
| 310.310 | Physician Specialist Rate |
| 310.320 | Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed) |
| 310.330 | Excluded Classes Rate (Repealed) |

SUBPART C: MERIT COMPENSATION SYSTEM

| | |
|---------|--|
| Section | |
| 310.410 | Jurisdiction |
| 310.415 | Merit Compensation Salary Range Assignments |
| 310.420 | Objectives |
| 310.430 | Responsibilities |
| 310.440 | Merit Compensation Salary Schedule |
| 310.450 | Procedures for Determining Annual Merit Increases and Bonuses |
| 310.455 | Intermittent Merit Increase |
| 310.456 | Merit Zone (Repealed) |
| 310.460 | Other Pay Increases |
| 310.470 | Adjustment |
| 310.480 | Decreases in Pay |
| 310.490 | Other Pay Provisions |
| 310.495 | Broad-Band Pay Range Classes |
| 310.500 | Definitions |
| 310.510 | Conversion of Base Salary to Pay Period Units (Repealed) |
| 310.520 | Conversion of Base Salary to Daily or Hourly Equivalents |
| 310.530 | Implementation |
| 310.540 | Annual Merit Increase and Bonus Guidechart |
| 310.550 | Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed) |

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)

310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | |
|----------------|--|
| | ISEA Local #2002) |
| 310.TABLE C | RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE) |
| 310.TABLE D | HR-001 (Teamsters Local #726) |
| 310.TABLE E | RC-020 (Teamsters Local #330) |
| 310.TABLE F | RC-019 (Teamsters Local #25) |
| 310.TABLE G | RC-045 (Automotive Mechanics, IFPE) |
| 310.TABLE H | RC-006 (Corrections Employees, AFSCME) |
| 310.TABLE I | RC-009 (Institutional Employees, AFSCME) |
| 310.TABLE J | RC-014 (Clerical Employees, AFSCME) |
| 310.TABLE K | RC-023 (Registered Nurses, INA) |
| 310.TABLE L | RC-008 (Boilermakers) |
| 310.TABLE M | RC-110 (Conservation Police Lodge) |
| 310.TABLE N | RC-010 (Professional Legal Unit, AFSCME) |
| 310.TABLE O | RC-028 (Paraprofessional Human Services Employees, AFSCME) |
| 310.TABLE P | RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) |
| 310.TABLE Q | RC-033 (Meat Inspectors, IFPE) |
| 310.TABLE R | RC-042 (Residual Maintenance Workers, AFSCME) |
| 310.TABLE S | VR-704 (Corrections, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) |
| 310.TABLE T | HR-010 (Teachers of Deaf, IFT) |
| 310.TABLE U | HR-010 (Teachers of Deaf, Extracurricular Paid Activities) |
| 310.TABLE V | CU-500 (Corrections Meet and Confer Employees) |
| 310.TABLE W | RC-062 (Technical Employees, AFSCME) |
| 310.TABLE X | RC-063 (Professional Employees, AFSCME) |
| 310.TABLE Y | RC-063 (Educators, AFSCME) |
| 310.TABLE Z | RC-063 (Physicians, AFSCME) |
| 310.TABLE AA | NR-916 (Department of Natural Resources, Teamsters) |
| 310.TABLE AB | VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed) |
| 310.APPENDIX B | Schedule of Salary Grade Pay Grades – Monthly Rates of Pay |
| 310.APPENDIX C | Medical Administrator Rates (Repealed) |
| 310.APPENDIX D | Merit Compensation System Salary Schedule |
| 310.APPENDIX E | Teaching Salary Schedule (Repealed) |
| 310.APPENDIX F | Physician and Physician Specialist Salary Schedule (Repealed) |
| 310.APPENDIX G | Broad-Band Pay Range Classes Salary Schedule |

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)**

| <u>Title</u> | <u>Title Code</u> | <u>Bargaining Unit</u> | <u>Pay Grade</u> |
|---|-----------------------|------------------------|--------------------|
| Agricultural Products Promoter | 00815 | RC-029 | 13 |
| Animal and Animal Products Investigator | 01072 | RC-029 | 14 |
| Apiary Inspector | 01215 | RC-029 | 04 |
| Apiary Inspector (hourly) | 01215 | RC-029 | 04H |
| Arson Investigator I | 01481 | RC-029 | 16 |
| Arson Investigator II | 01482 | RC-029 | 18 |
| Arson Investigator II (Lead Worker) | 01482 | RC-029 | 19 |
| Breath Alcohol Analysis Technician | 05170 | RC-029 | 16 |
| Commerce Commission Police Officer I | 08451 | RC-029 | 16 |
| Commerce Commission Police Officer II | 08452 | RC-029 | 18 |
| Commodities Inspector | 08770 | RC-029 | 10 |
| Drug Compliance Investigator | 12778 | RC-029 | 25 |
| Elevator Inspector | 13495 | RC-029 | 18.5 |
| Environmental Protection Legal Investigator I | 13811 | RC-029 | 12 |
| Environmental Protection Legal Investigator II | 13812 | RC-029 | 14 |
| Environmental Protection Legal Investigator | 13815 | RC-029 | 15 |
| Explosives Inspector I | 14051 | RC-029 | 14 |
| Explosives Inspector II | 14052 | RC-029 | 17 |
| Fingerprint Technician | 15204 | RC-029 | 12 |
| Fingerprint Technician Supervisor | 15208 | RC-029 | 17 |
| Fire Prevention Inspector I | 15316 | RC-029 | 15 |
| Fire Prevention Inspector II | 15317 | RC-029 | 18 |
| Fire Prevention Inspector Trainee | 15320 | RC-029 | 12 |
| Guard I | 17681 | RC-029 | 05 |
| Guard II | 17682 | RC-029 | 08 |
| Guard III | 17683 | RC-029 | 11 |
| Licensing Assistant | 23568 | RC-029 | 07 |
| Licensing Investigator I | 23571 | RC-029 | 12 |
| Licensing Investigator II | 23572 | RC-029 | 15 |
| Licensing Investigator III | 23573 | RC-029 | 16 |
| Licensing Investigator IV | 23574 | RC-029 | 18 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | |
|---|-------|--------|----|
| Liquor Control Special Agent I | 23751 | RC-029 | 15 |
| Motorist Assistance Specialist | 28490 | RC-029 | 07 |
| Plant and Pesticide Specialist I | 32501 | RC-029 | 16 |
| Plant and Pesticide Specialist II | 32502 | RC-029 | 18 |
| Plumbing Inspector | 32915 | RC-029 | 19 |
| Police Officer I | 32981 | RC-029 | 16 |
| Police Officer II | 32982 | RC-029 | 18 |
| Police Officer III | 32983 | RC-029 | 20 |
| Polygraph Examiner I | 33001 | RC-029 | 18 |
| Polygraph Examiner II | 33002 | RC-029 | 20 |
| Polygraph Examiner III | 33003 | RC-029 | 22 |
| Products and Standards Inspector | 34603 | RC-029 | 14 |
| Security Officer | 39870 | RC-029 | 12 |
| Security Officer Sergeant | 39877 | RC-029 | 13 |
| Seed Analyst I | 39951 | RC-029 | 11 |
| Seed Analyst II | 39952 | RC-029 | 12 |
| Site Security Officer | 41115 | RC-029 | 08 |
| Truck Weighing Inspector | 46100 | RC-029 | 12 |
| Vehicle Compliance Inspector | 47570 | RC-029 | 16 |
| Vehicle Emissions Compliance Inspector | 47580 | RC-029 | 12 |
| Vehicle Emissions Quality Assurance Auditor | 47584 | RC-029 | 13 |
| Vital Records Quality Control Inspector | 48000 | RC-029 | 12 |
| Warehouse Claims Specialist | 48780 | RC-029 | 19 |
| Warehouse Examiner | 48881 | RC-029 | 15 |
| Warehouse Examiner Specialist | 48882 | RC-029 | 17 |
| Well Inspector I | 49421 | RC-029 | 14 |
| Well Inspector II | 49422 | RC-029 | 17 |

Effective July 1, 2007
Bargaining Unit: RC-029

| Pay Grade | Pay Plan Code | S T E P S | | | | | | | |
|-----------|---------------|-----------|------|------|------|------|------|------|------|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 04 | B | 2385 | 2448 | 2503 | 2574 | 2630 | 2743 | 2788 | 2900 |
| 04H | B | 13.71 | | | | | | | |
| 05 | B | 2451 | 2515 | 2581 | 2643 | 2708 | 2819 | 2868 | 2983 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | | | | | | |
|------|---|------|------|------|------|------|------|------|------|
| 07 | B | 2586 | 2663 | 2738 | 2812 | 2890 | 3022 | 3076 | 3199 |
| 08 | B | 2669 | 2748 | 2834 | 2912 | 2994 | 3136 | 3192 | 3320 |
| 10 | B | 2855 | 2940 | 3037 | 3133 | 3230 | 3395 | 3457 | 3595 |
| 11 | B | 2953 | 3049 | 3158 | 3263 | 3364 | 3542 | 3611 | 3755 |
| 12 | B | 3080 | 3182 | 3300 | 3408 | 3534 | 3723 | 3793 | 3945 |
| 12 | Q | 3207 | 3314 | 3441 | 3558 | 3687 | 3888 | 3967 | 4126 |
| 13 | B | 3196 | 3318 | 3442 | 3568 | 3702 | 3907 | 3984 | 4143 |
| 13 | Q | 3329 | 3460 | 3595 | 3726 | 3863 | 4083 | 4163 | 4330 |
| 14 | B | 3337 | 3467 | 3618 | 3751 | 3893 | 4120 | 4203 | 4371 |
| 15 | B | 3490 | 3634 | 3776 | 3930 | 4076 | 4321 | 4405 | 4581 |
| 15 | Q | 3641 | 3792 | 3945 | 4110 | 4260 | 4514 | 4602 | 4786 |
| 16 | B | 3655 | 3817 | 3976 | 4143 | 4307 | 4562 | 4655 | 4841 |
| 16 | Q | 3989 | 4156 | 4327 | 4501 | 4769 | 4865 | 4963 | 5162 |
| 17 | B | 3835 | 4012 | 4182 | 4351 | 4528 | 4797 | 4894 | 5090 |
| 18 | B | 4044 | 4233 | 4425 | 4605 | 4790 | 5076 | 5177 | 5384 |
| 18 | Q | 4424 | 4626 | 4815 | 5006 | 5306 | 5412 | 5519 | 5740 |
| 18.5 | B | 4066 | 4273 | 4475 | 4683 | 4880 | 5083 | 5392 | 5608 |
| 19 | B | 4273 | 4475 | 4683 | 4880 | 5083 | 5392 | 5497 | 5717 |
| 19 | Q | 4570 | 4772 | 4962 | 5153 | 5451 | 5556 | 5665 | 5892 |
| 20 | B | 4513 | 4723 | 4948 | 5163 | 5377 | 5703 | 5816 | 6049 |
| 20 | Q | 4716 | 4938 | 5172 | 5394 | 5619 | 5962 | 6078 | 6321 |
| 22 | B | 5046 | 5292 | 5542 | 5799 | 6040 | 6416 | 6544 | 6806 |
| 22 | Q | 5274 | 5533 | 5792 | 6059 | 6314 | 6704 | 6841 | 7115 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | | | | | | |
|----|---|------|------|------|------|------|------|------|------|
| 25 | B | 5702 | 6001 | 6288 | 6579 | 6876 | 7307 | 7454 | 7752 |
|----|---|------|------|------|------|------|------|------|------|

January 1, 2008
Bargaining Unit: RC-029

| Pay Grade | Pay Plan Code | S T E P S | | | | | | | |
|--------------|------------------|-----------|------|------|------|------|------|------|------|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 04 | B | 2457 | 2521 | 2578 | 2651 | 2709 | 2825 | 2872 | 2987 |
| 04H | B | 14.12 | | | | | | | |
| 05 | B | 2525 | 2590 | 2658 | 2722 | 2789 | 2904 | 2954 | 3072 |
| 07 | B | 2664 | 2743 | 2820 | 2896 | 2977 | 3113 | 3168 | 3295 |
| 08 | B | 2749 | 2830 | 2919 | 2999 | 3084 | 3230 | 3288 | 3420 |
| 10 | B | 2941 | 3028 | 3128 | 3227 | 3327 | 3497 | 3561 | 3703 |
| 11 | B | 3042 | 3140 | 3253 | 3361 | 3465 | 3648 | 3719 | 3868 |
| 12 | B | 3172 | 3277 | 3399 | 3510 | 3640 | 3835 | 3907 | 4063 |
| 12 | Q | 3303 | 3413 | 3544 | 3665 | 3798 | 4005 | 4086 | 4250 |
| 13 | B | 3292 | 3418 | 3545 | 3675 | 3813 | 4024 | 4104 | 4267 |
| 13 | Q | 3429 | 3564 | 3703 | 3838 | 3979 | 4205 | 4288 | 4460 |
| 14 | B | 3437 | 3571 | 3727 | 3864 | 4010 | 4244 | 4329 | 4502 |
| 15 | B | 3595 | 3743 | 3889 | 4048 | 4198 | 4451 | 4537 | 4718 |
| 16 | B | 3765 | 3932 | 4095 | 4267 | 4436 | 4699 | 4795 | 4986 |
| 16 | Q | 4109 | 4281 | 4457 | 4636 | 4912 | 5011 | 5112 | 5317 |
| 17 | B | 3950 | 4132 | 4307 | 4482 | 4664 | 4941 | 5041 | 5243 |
| 18 | B | 4165 | 4360 | 4558 | 4743 | 4934 | 5228 | 5332 | 5546 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | | | | | | |
|------|---|------|------|------|------|------|------|------|------|
| 18 | Q | 4557 | 4765 | 4959 | 5156 | 5465 | 5574 | 5685 | 5912 |
| 18.5 | B | 4188 | 4401 | 4609 | 4823 | 5026 | 5235 | 5554 | 5776 |
| 19 | B | 4401 | 4609 | 4823 | 5026 | 5235 | 5554 | 5662 | 5889 |
| 19 | Q | 4707 | 4915 | 5111 | 5308 | 5615 | 5723 | 5835 | 6069 |
| 20 | B | 4648 | 4865 | 5096 | 5318 | 5538 | 5874 | 5990 | 6230 |
| 20 | Q | 4857 | 5086 | 5327 | 5556 | 5788 | 6141 | 6260 | 6511 |
| 22 | B | 5197 | 5451 | 5708 | 5973 | 6221 | 6608 | 6740 | 7010 |
| 22 | Q | 5432 | 5699 | 5966 | 6241 | 6503 | 6905 | 7046 | 7328 |
| 25 | B | 5873 | 6181 | 6477 | 6776 | 7082 | 7526 | 7678 | 7985 |

Note: The Step 8 rate shall be increased by \$50 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 8 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series; and after reaching 17 years of service in the same classification series, an increase of an additional \$75 per month shall be granted.

(Source: Peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

| <u>Title</u> | <u>Title Code</u> | <u>Bargaining Unit</u> | <u>Pay Grade</u> |
|---|-------------------|------------------------|------------------|
| Accountant | 00130 | RC-062 | 14 |
| Accountant Advanced | 00133 | RC-062 | 16 |
| Accountant Supervisor | 00135 | RC-062 | 18 |
| Accounting and Fiscal Administration Career Trainee | 00140 | RC-062 | 12 |
| Activity Therapist | 00157 | RC-062 | 15 |
| Activity Therapist Coordinator | 00160 | RC-062 | 17 |
| Actuarial Assistant | 00187 | RC-062 | 16 |
| Actuarial Examiner | 00195 | RC-062 | 16 |
| Actuarial Examiner Trainee | 00196 | RC-062 | 13 |
| Actuarial Senior Examiner | 00197 | RC-062 | 19 |
| Actuary I | 00201 | RC-062 | 20 |
| Actuary II | 00202 | RC-062 | 24 |
| Agricultural Market News Assistant | 00804 | RC-062 | 12 |
| Agricultural Marketing Generalist | 00805 | RC-062 | 14 |
| Agricultural Marketing Reporter | 00807 | RC-062 | 18 |
| Agricultural Marketing Representative | 00810 | RC-062 | 18 |
| Agriculture Land and Water Resource Specialist I | 00831 | RC-062 | 14 |
| Agriculture Land and Water Resource Specialist II | 00832 | RC-062 | 17 |
| Agriculture Land and Water Resource Specialist III | 00833 | RC-062 | 20 |
| Aircraft Pilot I | 00955 | RC-062 | 19 |
| Aircraft Pilot II | 00956 | RC-062 | 22 |
| Aircraft Pilot II – Dual Rating | 00957 | RC-062 | 23 |
| Appraisal Specialist I | 01251 | RC-062 | 14 |
| Appraisal Specialist II | 01252 | RC-062 | 16 |
| Appraisal Specialist III | 01253 | RC-062 | 18 |
| Arts Council Associate | 01523 | RC-062 | 12 |
| Arts Council Program Coordinator | 01526 | RC-062 | 18 |
| Arts Council Program Representative | 01527 | RC-062 | 15 |
| Assignment Coordinator | 01530 | RC-062 | 20 |
| Bank Examiner I | 04131 | RC-062 | 16 |
| Bank Examiner II | 04132 | RC-062 | 19 |
| Bank Examiner III | 04133 | RC-062 | 22 |
| Behavioral Analyst Associate | 04355 | RC-062 | 15 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | |
|--|-----------------------|------------------------|--------------------|
| Behavioral Analyst I | 04351 | RC-062 | 17 |
| Behavioral Analyst II | 04352 | RC-062 | 19 |
| Business Administrative Specialist | 05810 | RC-062 | 16 |
| Business Manager | 05815 | RC-062 | 18 |
| Buyer | 05900 | RC-062 | 18 |
| Capital Development Board Account Technician | 06515 | RC-062 | 11 |
| Capital Development Board Art in Architecture Technician | 06533 | RC-062 | 12 |
| Capital Development Board Construction Support Analyst | 06520 | RC-062 | 11 |
| Capital Development Board Project Technician | 06530 | RC-062 | 12 |
| Chemist I | 06941 | RC-062 | 16 |
| Chemist II | 06942 | RC-062 | 19 |
| Chemist III | 06943 | RC-062 | 21 |
| Child Protection Advanced Specialist | 07161 | RC-062 | 19 |
| Child Protection Associate Specialist | 07162 | RC-062 | 16 |
| Child Protection Specialist | 07163 | RC-062 | 18 |
| Child Support Specialist I | 07198 | RC-062 | 12 |
| Child Support Specialist II | 07199 | RC-062 | 16 |
| Child Support Specialist Trainee | 07200 | RC-062 | 17 |
| Child Welfare Associate Specialist | 07216 | RC-062 | 16 |
| Child Welfare Staff Development Coordinator I | 07201 | RC-062 | 17 |
| Child Welfare Staff Development Coordinator II | 07202 | RC-062 | 19 |
| Child Welfare Staff Development Coordinator III | 07203 | RC-062 | 20 |
| Child Welfare Staff Development Coordinator IV | 07204 | RC-062 | 22 |
| Children and Family Service Intern – Option I | 07241 | RC-062 | 12 |
| Children and Family Service Intern – Option II | 07242 | RC-062 | 15 |
| Clinical Laboratory Technologist I | 08220 | RC-062 | 18 |
| Clinical Laboratory Technologist II | 08221 | RC-062 | 19 |
| Clinical Laboratory Technologist Trainee | 08229 | RC-062 | 14 |
| Communications Systems Specialist | 08860 | RC-062 | 23 |
| Community Management Specialist I | 08891 | RC-062 | 15 |
| Community Management Specialist II | 08892 | RC-062 | 17 |
| Community Management Specialist III | 08893 | RC-062 | 19 |
| Community Planner I | 08901 | RC-062 | 15 |
| Community Planner II | 08902 | RC-062 | 17 |
| Community Planner III | 08903 | RC-062 | 19 |
| Conservation Education Representative | 09300 | RC-062 | 12 |
| Conservation Grant Administrator I | 09311 | RC-062 | 18 |
| Conservation Grant Administrator II | 09312 | RC-062 | 20 |
| Conservation Grant Administrator III | 09313 | RC-062 | 22 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | |
|---|-------|--------|-----|
| Construction Program Assistant | 09525 | RC-062 | 12 |
| Correctional Counselor I | 09661 | RC-062 | 15 |
| Correctional Counselor II | 09662 | RC-062 | 17 |
| Correctional Counselor III | 09663 | RC-062 | 19 |
| Corrections Apprehension Specialist | 09750 | RC-062 | 19 |
| Corrections Industries Marketing Representative | 09803 | RC-062 | 17 |
| Corrections Leisure Activities Specialist I | 09811 | RC-062 | 15 |
| Corrections Leisure Activities Specialist II | 09812 | RC-062 | 17 |
| Corrections Leisure Activities Specialist III | 09813 | RC-062 | 19 |
| Corrections Parole Agent | 09842 | RC-062 | 17 |
| Corrections Senior Parole Agent | 09844 | RC-062 | 19 |
| Criminal Intelligence Analyst I | 10161 | RC-062 | 18 |
| Criminal Intelligence Analyst II | 10162 | RC-062 | 20 |
| Criminal Intelligence Analyst Specialist | 10165 | RC-062 | 22 |
| Criminal Justice Specialist I | 10231 | RC-062 | 16 |
| Criminal Justice Specialist II | 10232 | RC-062 | 20 |
| Criminal Justice Specialist Trainee | 10236 | RC-062 | 13 |
| Curator of the Lincoln Collection | 10750 | RC-062 | 16 |
| Day Care Licensing Representative I | 11471 | RC-062 | 16 |
| Developmental Disabilities Council Program Planner I | 12361 | RC-062 | 12 |
| Developmental Disabilities Council Program Planner II | 12362 | RC-062 | 16 |
| Developmental Disabilities Council Program Planner III | 12363 | RC-062 | 18 |
| Dietitian | 12510 | RC-062 | 15 |
| Disability Appeals Officer | 12530 | RC-062 | 22 |
| Disability Claims Adjudicator I | 12537 | RC-062 | 16 |
| Disability Claims Adjudicator II | 12538 | RC-062 | 18 |
| Disability Claims Adjudicator Trainee | 12539 | RC-062 | 13 |
| Disability Claims Analyst | 12540 | RC-062 | 21 |
| Disability Claims Specialist | 12558 | RC-062 | 19 |
| Disaster Services Planner | 12585 | RC-062 | 19 |
| Document Examiner | 12640 | RC-062 | 22 |
| Economic Development Representative I | 12931 | RC-062 | 17 |
| Economic Development Representative II | 12932 | RC-062 | 19 |
| Educator – Provisional | 13105 | RC-062 | 12 |
| Employment Security Manpower Representative I | 13621 | RC-062 | 12 |
| Employment Security Manpower Representative II | 13622 | RC-062 | 14 |
| Employment Security Program Representative | 13650 | RC-062 | 14 |
| Employment Security Program Representative – Intermittent | 13651 | RC-062 | 14H |
| Employment Security Service Representative | 13667 | RC-062 | 16 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | |
|---|-------|--------|----|
| Employment Security Specialist I | 13671 | RC-062 | 14 |
| Employment Security Specialist II | 13672 | RC-062 | 16 |
| Employment Security Specialist III | 13673 | RC-062 | 19 |
| Employment Security Tax Auditor I | 13681 | RC-062 | 17 |
| Employment Security Tax Auditor II | 13682 | RC-062 | 19 |
| Energy and Natural Resources Specialist I | 13711 | RC-062 | 15 |
| Energy and Natural Resources Specialist II | 13712 | RC-062 | 17 |
| Energy and Natural Resources Specialist III | 13713 | RC-062 | 19 |
| Energy and Natural Resources Specialist Trainee | 13715 | RC-062 | 12 |
| Environmental Health Specialist I | 13768 | RC-062 | 14 |
| Environmental Health Specialist II | 13769 | RC-062 | 16 |
| Environmental Health Specialist III | 13770 | RC-062 | 18 |
| Environmental Protection Associate | 13785 | RC-062 | 12 |
| Environmental Protection Specialist I | 13821 | RC-062 | 14 |
| Environmental Protection Specialist II | 13822 | RC-062 | 16 |
| Environmental Protection Specialist III | 13823 | RC-062 | 18 |
| Environmental Protection Specialist IV | 13824 | RC-062 | 22 |
| Equal Pay Specialist | 13837 | RC-062 | 17 |
| Executive I | 13851 | RC-062 | 18 |
| Executive II | 13852 | RC-062 | 20 |
| Financial Institutions Examiner I | 14971 | RC-062 | 16 |
| Financial Institutions Examiner II | 14972 | RC-062 | 19 |
| Financial Institutions Examiner III | 14973 | RC-062 | 22 |
| Financial Institutions Examiner Trainee | 14978 | RC-062 | 13 |
| Flight Safety Coordinator | 15640 | RC-062 | 22 |
| Forensic Scientist I | 15891 | RC-062 | 18 |
| Forensic Scientist II | 15892 | RC-062 | 20 |
| Forensic Scientist III | 15893 | RC-062 | 22 |
| Forensic Scientist Trainee | 15897 | RC-062 | 15 |
| Guardianship Representative | 17710 | RC-062 | 17 |
| Habilitation Program Coordinator | 17960 | RC-062 | 17 |
| Handicapped Services Representative I | 17981 | RC-062 | 11 |
| Health Facilities Surveyor I | 18011 | RC-062 | 16 |
| Health Facilities Surveyor II | 18012 | RC-062 | 19 |
| Health Facilities Surveyor III | 18013 | RC-062 | 20 |
| Health Services Investigator I – Opt. A | 18181 | RC-062 | 19 |
| Health Services Investigator I – Opt. B | 18182 | RC-062 | 20 |
| Health Services Investigator II – Opt. A | 18185 | RC-062 | 22 |
| Health Services Investigator II – Opt. B | 18186 | RC-062 | 22 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | |
|--|-------|--------|----|
| Health Services Investigator II – Opt. C | 18187 | RC-062 | 25 |
| Health Services Investigator II – Opt. D | 18188 | RC-062 | 25 |
| Historical Documents Conservator I | 18981 | RC-062 | 13 |
| Historical Exhibits Designer | 18985 | RC-062 | 15 |
| Historical Research Editor II | 19002 | RC-062 | 14 |
| Human Relations Representative | 19670 | RC-062 | 16 |
| Human Resources Representative | 19692 | RC-062 | 17 |
| Human Rights Investigator I | 19774 | RC-062 | 16 |
| Human Rights Investigator II | 19775 | RC-062 | 18 |
| Human Rights Investigator III | 19776 | RC-062 | 19 |
| Human Rights Specialist I | 19778 | RC-062 | 14 |
| Human Rights Specialist II | 19779 | RC-062 | 16 |
| Human Rights Specialist III | 19780 | RC-062 | 18 |
| Human Services Caseworker | 19785 | RC-062 | 16 |
| Human Services Grants Coordinator I | 19791 | RC-062 | 14 |
| Human Services Grants Coordinator II | 19792 | RC-062 | 17 |
| Human Services Grants Coordinator III | 19793 | RC-062 | 20 |
| Human Services Grants Coordinator Trainee | 19796 | RC-062 | 12 |
| Human Services Sign Language Interpreter | 19810 | RC-062 | 16 |
| Iconographer | 19880 | RC-062 | 12 |
| Industrial and Community Development Representative I | 21051 | RC-062 | 17 |
| Industrial and Community Development Representative II | 21052 | RC-062 | 19 |
| Industrial Services Consultant I | 21121 | RC-062 | 14 |
| Industrial Services Consultant II | 21122 | RC-062 | 16 |
| Industrial Services Consultant Trainee | 21125 | RC-062 | 11 |
| Industrial Services Hygienist | 21127 | RC-062 | 19 |
| Industrial Services Hygienist Technician | 21130 | RC-062 | 16 |
| Industrial Services Hygienist Trainee | 21133 | RC-062 | 12 |
| Information Technology/Communication Systems Specialist I | 21216 | RC-062 | 19 |
| Information Technology/Communication Systems Specialist II | 21217 | RC-062 | 24 |
| Instrument Designer | 21500 | RC-062 | 18 |
| Insurance Analyst III | 21563 | RC-062 | 14 |
| Insurance Analyst IV | 21564 | RC-062 | 16 |
| Insurance Company Claims Examiner II | 21602 | RC-062 | 19 |
| Insurance Company Field Staff Examiner | 21608 | RC-062 | 16 |
| Insurance Company Financial Examiner Trainee | 21610 | RC-062 | 13 |
| Insurance Performance Examiner I | 21671 | RC-062 | 14 |
| Insurance Performance Examiner II | 21672 | RC-062 | 17 |
| Insurance Performance Examiner III | 21673 | RC-062 | 20 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | |
|--|-------|--------|-----|
| Intermittent Unemployment Insurance Representative | 21689 | RC-062 | 12H |
| Internal Auditor I | 21721 | RC-062 | 17 |
| Labor Conciliator | 22750 | RC-062 | 20 |
| Laboratory Equipment Specialist | 22990 | RC-062 | 18 |
| Laboratory Quality Specialist I | 23021 | RC-062 | 19 |
| Laboratory Quality Specialist II | 23022 | RC-062 | 21 |
| Laboratory Research Specialist I | 23027 | RC-062 | 19 |
| Laboratory Research Specialist II | 23028 | RC-062 | 21 |
| Land Acquisition Agent I | 23091 | RC-062 | 15 |
| Land Acquisition Agent II | 23092 | RC-062 | 18 |
| Land Acquisition Agent III | 23093 | RC-062 | 21 |
| Land Reclamation Specialist I | 23131 | RC-062 | 14 |
| Land Reclamation Specialist II | 23132 | RC-062 | 17 |
| Liability Claims Adjuster I | 23371 | RC-062 | 14 |
| Liability Claims Adjuster II | 23372 | RC-062 | 18 |
| Library Associate | 23430 | RC-062 | 12 |
| Life Sciences Career Trainee | 23600 | RC-062 | 12 |
| Liquor Control Special Agent II | 23752 | RC-062 | 15 |
| Local Historical Services Representative | 24000 | RC-062 | 17 |
| Local Housing Advisor I | 24031 | RC-062 | 14 |
| Local Housing Advisor II | 24032 | RC-062 | 16 |
| Local Housing Advisor III | 24033 | RC-062 | 18 |
| Local Revenue and Fiscal Advisor I | 24101 | RC-062 | 15 |
| Local Revenue and Fiscal Advisor II | 24102 | RC-062 | 17 |
| Local Revenue and Fiscal Advisor III | 24103 | RC-062 | 19 |
| Lottery Regional Coordinator | 24504 | RC-062 | 19 |
| Lottery Sales Representative | 24515 | RC-062 | 16 |
| Management Operations Analyst I | 25541 | RC-062 | 18 |
| Management Operations Analyst II | 25542 | RC-062 | 20 |
| Manpower Planner I | 25591 | RC-062 | 14 |
| Manpower Planner II | 25592 | RC-062 | 17 |
| Manpower Planner III | 25593 | RC-062 | 20 |
| Manpower Planner Trainee | 25597 | RC-062 | 12 |
| Medical Assistance Consultant I | 26501 | RC-062 | 13 |
| Medical Assistance Consultant II | 26502 | RC-062 | 16 |
| Medical Assistance Consultant III | 26503 | RC-062 | 19 |
| Mental Health Specialist I | 26924 | RC-062 | 12 |
| Mental Health Specialist II | 26925 | RC-062 | 14 |
| Mental Health Specialist III | 26926 | RC-062 | 16 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | |
|---|-------|--------|----|
| Mental Health Specialist Trainee | 26928 | RC-062 | 11 |
| Meteorologist | 27120 | RC-062 | 18 |
| Methods and Procedures Advisor I | 27131 | RC-062 | 14 |
| Methods and Procedures Advisor II | 27132 | RC-062 | 16 |
| Methods and Procedures Advisor III | 27133 | RC-062 | 20 |
| Methods and Procedures Career Associate I | 27135 | RC-062 | 11 |
| Methods and Procedures Career Associate II | 27136 | RC-062 | 12 |
| Methods and Procedures Career Associate Trainee | 27137 | RC-062 | 09 |
| Metrologist Associate | 27146 | RC-062 | 15 |
| Microbiologist I | 27151 | RC-062 | 16 |
| Microbiologist II | 27152 | RC-062 | 19 |
| Natural Resources Advanced Specialist | 28833 | RC-062 | 20 |
| Natural Resources Coordinator | 28831 | RC-062 | 15 |
| Natural Resources Specialist | 28832 | RC-062 | 18 |
| Oral Health Consultant | 30317 | RC-062 | 18 |
| Paralegal Assistant | 30860 | RC-062 | 14 |
| Pension and Death Benefits Technician II | 30962 | RC-062 | 19 |
| Police Training Specialist | 32990 | RC-062 | 17 |
| Program Integrity Auditor I | 34631 | RC-062 | 16 |
| Program Integrity Auditor II | 34632 | RC-062 | 19 |
| Program Integrity Auditor Trainee | 34635 | RC-062 | 12 |
| Property Consultant | 34900 | RC-062 | 15 |
| Public Aid Appeals Advisor | 35750 | RC-062 | 18 |
| Public Aid Family Support Specialist I | 35841 | RC-062 | 17 |
| Public Aid Investigator | 35870 | RC-062 | 19 |
| Public Aid Investigator Trainee | 35874 | RC-062 | 14 |
| Public Aid Lead Casework Specialist | 35880 | RC-062 | 17 |
| Public Aid Program Quality Analyst | 35890 | RC-062 | 19 |
| Public Aid Quality Control Reviewer | 35892 | RC-062 | 17 |
| Public Aid Quality Control Supervisor | 35900 | RC-062 | 19 |
| Public Aid Staff Development Specialist I | 36071 | RC-062 | 15 |
| Public Aid Staff Development Specialist II | 36072 | RC-062 | 17 |
| Public Health Educator Associate | 36434 | RC-062 | 14 |
| Public Health Program Specialist I | 36611 | RC-062 | 14 |
| Public Health Program Specialist II | 36612 | RC-062 | 16 |
| Public Health Program Specialist III | 36613 | RC-062 | 19 |
| Public Health Program Specialist Trainee | 36615 | RC-062 | 12 |
| Public Information Coordinator | 36750 | RC-062 | 18 |
| Public Information Officer I | 37001 | RC-062 | 12 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | |
|--|-------|--------|----|
| Public Information Officer II | 37002 | RC-062 | 14 |
| Public Information Officer III | 37003 | RC-062 | 19 |
| Public Information Officer IV | 37004 | RC-062 | 21 |
| Public Safety Inspector | 37007 | RC-062 | 16 |
| Public Safety Inspector Trainee | 37010 | RC-062 | 10 |
| Public Service Administrator, Options 8B and 8Y | 37015 | RC-062 | 23 |
| Railroad Safety Specialist I | 37601 | RC-062 | 19 |
| Railroad Safety Specialist II | 37602 | RC-062 | 21 |
| Railroad Safety Specialist III | 37603 | RC-062 | 23 |
| Railroad Safety Specialist IV | 37604 | RC-062 | 25 |
| Real Estate Investigator | 37730 | RC-062 | 19 |
| Real Estate Professions Examiner | 37760 | RC-062 | 22 |
| Recreation Worker I | 38001 | RC-062 | 12 |
| Recreation Worker II | 38002 | RC-062 | 14 |
| Rehabilitation Counselor | 38145 | RC-062 | 17 |
| Rehabilitation Counselor Senior | 38158 | RC-062 | 19 |
| Rehabilitation Counselor Trainee | 38159 | RC-062 | 15 |
| Rehabilitation Services Advisor I | 38176 | RC-062 | 20 |
| Rehabilitation Workshop Supervisor I | 38194 | RC-062 | 12 |
| Rehabilitation Workshop Supervisor II | 38195 | RC-062 | 14 |
| Reimbursement Officer I | 38199 | RC-062 | 14 |
| Reimbursement Officer II | 38200 | RC-062 | 16 |
| Research Economist I | 38207 | RC-062 | 18 |
| Research Scientist I | 38231 | RC-062 | 13 |
| Research Scientist II | 38232 | RC-062 | 16 |
| Research Scientist III | 38233 | RC-062 | 20 |
| Resource Planner I | 38281 | RC-062 | 17 |
| Resource Planner II | 38282 | RC-062 | 19 |
| Resource Planner III | 38283 | RC-062 | 22 |
| Retirement System Disability Specialist | 38310 | RC-062 | 19 |
| Revenue Audit Supervisor (IL) | 38369 | RC-062 | 25 |
| Revenue Audit Supervisor (states other than IL, CA or NJ) | 38369 | RC-062 | 27 |
| Revenue Audit Supervisor (CA or NJ) | 38369 | RC-062 | 29 |
| Revenue Auditor I (IL) | 38371 | RC-062 | 16 |
| Revenue Auditor I (states other than IL, CA or NJ) | 38371 | RC-062 | 19 |
| Revenue Auditor I (CA or NJ) | 38371 | RC-062 | 21 |
| Revenue Auditor II (IL) | 38372 | RC-062 | 19 |
| Revenue Auditor II (states other than IL, CA or NJ) | 38372 | RC-062 | 22 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | |
|---|-------|--------|----|
| Revenue Auditor II (CA or NJ) | 38372 | RC-062 | 24 |
| Revenue Auditor III (IL) | 38373 | RC-062 | 22 |
| Revenue Auditor III (states other than IL, CA or NJ) | 38373 | RC-062 | 24 |
| Revenue Auditor III (CA or NJ) | 38373 | RC-062 | 26 |
| Revenue Auditor Trainee (IL) | 38375 | RC-062 | 12 |
| Revenue Auditor Trainee (states other than IL, CA or NJ) | 38375 | RC-062 | 13 |
| Revenue Auditor Trainee (CA or NJ) | 38375 | RC-062 | 15 |
| Revenue Collection Officer I | 38401 | RC-062 | 15 |
| Revenue Collection Officer II | 38402 | RC-062 | 17 |
| Revenue Collection Officer III | 38403 | RC-062 | 19 |
| Revenue Collection Officer Trainee | 38405 | RC-062 | 12 |
| Revenue Computer Audit Specialist (IL) | 38425 | RC-062 | 23 |
| Revenue Computer Audit Specialist (states other than IL, CA or NJ) | 38425 | RC-062 | 25 |
| Revenue Computer Audit Specialist (CA or NJ) | 38425 | RC-062 | 27 |
| Revenue Senior Special Agent | 38557 | RC-062 | 23 |
| Revenue Special Agent | 38558 | RC-062 | 19 |
| Revenue Special Agent Trainee | 38565 | RC-062 | 14 |
| Revenue Tax Specialist I | 38571 | RC-062 | 12 |
| Revenue Tax Specialist II (IL) | 38572 | RC-062 | 14 |
| Revenue Tax Specialist II (states other than IL, CA or NJ) | 38572 | RC-062 | 17 |
| Revenue Tax Specialist II (CA or NJ) | 38572 | RC-062 | 19 |
| Revenue Tax Specialist III | 38573 | RC-062 | 17 |
| Revenue Tax Specialist Trainee | 38575 | RC-062 | 10 |
| Site Assistant Superintendent I | 41071 | RC-062 | 15 |
| Site Assistant Superintendent II | 41072 | RC-062 | 17 |
| Site Interpretive Coordinator | 41093 | RC-062 | 13 |
| Site Services Specialist I | 41117 | RC-062 | 15 |
| Site Services Specialist II | 41118 | RC-062 | 17 |
| Social Service Consultant I | 41301 | RC-062 | 18 |
| Social Service Consultant II | 41302 | RC-062 | 19 |
| Social Service Program Planner I | 41311 | RC-062 | 15 |
| Social Service Program Planner II | 41312 | RC-062 | 17 |
| Social Service Program Planner III | 41313 | RC-062 | 20 |
| Social Service Program Planner IV | 41314 | RC-062 | 22 |
| Social Services Career Trainee | 41320 | RC-062 | 12 |
| Social Worker I | 41411 | RC-062 | 16 |
| Staff Development Specialist I | 41771 | RC-062 | 18 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | |
|--|-------|--------|----|
| Staff Development Technician I | 41781 | RC-062 | 12 |
| Staff Development Technician II | 41782 | RC-062 | 15 |
| State Mine Inspector | 42230 | RC-062 | 19 |
| State Police Field Specialist I | 42001 | RC-062 | 18 |
| State Police Field Specialist II | 42002 | RC-062 | 20 |
| Statistical Research Specialist I | 42741 | RC-062 | 12 |
| Statistical Research Specialist II | 42742 | RC-062 | 14 |
| Statistical Research Specialist III | 42743 | RC-062 | 17 |
| Storage Tank Safety Specialist | 43005 | RC-062 | 18 |
| Telecommunications Specialist | 45295 | RC-062 | 15 |
| Telecommunications Systems Analyst | 45308 | RC-062 | 17 |
| Telecommunications Systems Technician I | 45312 | RC-062 | 10 |
| Telecommunications Systems Technician II | 45313 | RC-062 | 13 |
| Terrorism Research Specialist I | 45371 | RC-062 | 18 |
| Terrorism Research Specialist II | 45372 | RC-062 | 20 |
| Terrorism Research Specialist III | 45373 | RC-062 | 22 |
| Terrorism Research Specialist Trainee | 45375 | RC-062 | 14 |
| Unemployment Insurance Adjudicator I | 47001 | RC-062 | 11 |
| Unemployment Insurance Adjudicator II | 47002 | RC-062 | 13 |
| Unemployment Insurance Adjudicator III | 47003 | RC-062 | 15 |
| Unemployment Insurance Revenue Analyst I | 47081 | RC-062 | 15 |
| Unemployment Insurance Revenue Analyst II | 47082 | RC-062 | 17 |
| Unemployment Insurance Revenue Specialist | 47087 | RC-062 | 13 |
| Unemployment Insurance Special Agent | 47096 | RC-062 | 18 |
| Veterans Educational Specialist I | 47681 | RC-062 | 15 |
| Veterans Educational Specialist II | 47682 | RC-062 | 17 |
| Veterans Educational Specialist III | 47683 | RC-062 | 21 |
| Veterans Employment Representative I | 47701 | RC-062 | 14 |
| Veterans Employment Representative II | 47702 | RC-062 | 16 |
| Volunteer Services Coordinator I | 48481 | RC-062 | 13 |
| Volunteer Services Coordinator II | 48482 | RC-062 | 16 |
| Volunteer Services Coordinator III | 48483 | RC-062 | 18 |
| Wage Claims Specialist | 48770 | RC-062 | 09 |
| Weatherization Specialist I | 49101 | RC-062 | 14 |
| Weatherization Specialist II | 49102 | RC-062 | 17 |
| Weatherization Specialist III | 49103 | RC-062 | 20 |
| Weatherization Specialist Trainee | 49105 | RC-062 | 12 |
| Workers Compensation Insurance Compliance Investigator | 49640 | RC-062 | 20 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

NOTE: For the Revenue Audit Supervisor, Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

Effective July 1, 2007
Bargaining Unit: RC-062

| Pay Grade | Pay Plan Code | S T E P S | | | | | | | | | | |
|-----------|---------------|-----------|------|------|------|------|------|------|------|------|------|------|
| | | 1c | 1b | 1a | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 09 | B | 2480 | 2541 | 2604 | 2669 | 2751 | 2840 | 2927 | 3021 | 3111 | 3257 | 3387 |
| 09 | Q | 2580 | 2642 | 2708 | 2777 | 2862 | 2955 | 3046 | 3145 | 3239 | 3394 | 3530 |
| 09 | S | 2639 | 2704 | 2768 | 2835 | 2922 | 3015 | 3109 | 3208 | 3302 | 3459 | 3597 |
| 10 | B | 2561 | 2622 | 2688 | 2754 | 2855 | 2940 | 3037 | 3133 | 3230 | 3395 | 3531 |
| 10 | Q | 2663 | 2726 | 2794 | 2866 | 2969 | 3060 | 3163 | 3263 | 3365 | 3544 | 3686 |
| 10 | S | 2720 | 2787 | 2854 | 2925 | 3029 | 3122 | 3225 | 3325 | 3432 | 3611 | 3755 |
| 11 | B | 2651 | 2717 | 2787 | 2856 | 2953 | 3049 | 3158 | 3263 | 3364 | 3542 | 3684 |
| 11 | Q | 2758 | 2826 | 2897 | 2971 | 3077 | 3178 | 3291 | 3401 | 3509 | 3699 | 3847 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | | | | | | | | | |
|-----|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 11 | S | 2819 | 2887 | 2957 | 3030 | 3138 | 3238 | 3353 | 3465 | 3576 | 3764 | 3915 |
| 12 | B | 2755 | 2824 | 2895 | 2971 | 3080 | 3182 | 3300 | 3408 | 3534 | 3723 | 3872 |
| 12 | Q | 2868 | 2938 | 3013 | 3093 | 3207 | 3314 | 3441 | 3558 | 3687 | 3888 | 4044 |
| 12 | S | 2927 | 2998 | 3075 | 3153 | 3269 | 3377 | 3507 | 3625 | 3756 | 3958 | 4116 |
| 12H | B | 16.95 | 17.38 | 17.82 | 18.28 | 18.95 | 19.58 | 20.31 | 20.97 | 21.75 | 22.91 | 23.83 |
| 12H | Q | 17.65 | 18.08 | 18.54 | 19.03 | 19.74 | 20.39 | 21.18 | 21.90 | 22.69 | 23.93 | 24.89 |
| 12H | S | 18.01 | 18.45 | 18.92 | 19.40 | 20.12 | 20.78 | 21.58 | 22.31 | 23.11 | 24.36 | 25.33 |
| 13 | B | 2856 | 2928 | 3003 | 3083 | 3196 | 3318 | 3442 | 3568 | 3702 | 3907 | 4063 |
| 13 | Q | 2971 | 3048 | 3127 | 3211 | 3329 | 3460 | 3595 | 3726 | 3863 | 4083 | 4246 |
| 13 | S | 3030 | 3110 | 3190 | 3272 | 3393 | 3526 | 3663 | 3792 | 3934 | 4153 | 4319 |
| 14 | B | 2973 | 3049 | 3132 | 3215 | 3337 | 3467 | 3618 | 3751 | 3893 | 4120 | 4285 |
| 14 | Q | 3095 | 3178 | 3262 | 3350 | 3479 | 3620 | 3778 | 3920 | 4070 | 4306 | 4478 |
| 14 | S | 3155 | 3238 | 3324 | 3414 | 3548 | 3686 | 3847 | 3988 | 4140 | 4374 | 4549 |
| 14H | B | 18.30 | 18.76 | 19.27 | 19.78 | 20.54 | 21.34 | 22.26 | 23.08 | 23.96 | 25.35 | 26.37 |
| 14H | Q | 19.05 | 19.56 | 20.07 | 20.62 | 21.41 | 22.28 | 23.25 | 24.12 | 25.05 | 26.50 | 27.56 |
| 14H | S | 19.42 | 19.93 | 20.46 | 21.01 | 21.83 | 22.68 | 23.67 | 24.54 | 25.48 | 26.92 | 27.99 |
| 15 | B | 3087 | 3168 | 3254 | 3342 | 3490 | 3634 | 3776 | 3930 | 4076 | 4321 | 4494 |
| 15 | Q | 3216 | 3301 | 3392 | 3487 | 3641 | 3792 | 3945 | 4110 | 4260 | 4514 | 4695 |
| 15 | S | 3278 | 3362 | 3457 | 3552 | 3709 | 3858 | 4016 | 4178 | 4328 | 4585 | 4768 |
| 16 | B | 3224 | 3311 | 3401 | 3499 | 3655 | 3817 | 3976 | 4143 | 4307 | 4562 | 4744 |
| 16 | Q | 3358 | 3452 | 3550 | 3652 | 3817 | 3989 | 4156 | 4327 | 4501 | 4769 | 4960 |
| 16 | S | 3425 | 3520 | 3617 | 3721 | 3886 | 4060 | 4228 | 4397 | 4572 | 4835 | 5028 |
| 17 | B | 3367 | 3462 | 3562 | 3666 | 3835 | 4012 | 4182 | 4351 | 4528 | 4797 | 4989 |
| 17 | Q | 3513 | 3614 | 3719 | 3825 | 4009 | 4192 | 4368 | 4546 | 4731 | 5013 | 5214 |
| 17 | S | 3578 | 3681 | 3786 | 3894 | 4079 | 4264 | 4440 | 4616 | 4800 | 5085 | 5288 |
| 18 | B | 3539 | 3641 | 3746 | 3857 | 4044 | 4233 | 4425 | 4605 | 4790 | 5076 | 5279 |
| 18 | Q | 3695 | 3801 | 3914 | 4031 | 4230 | 4424 | 4626 | 4815 | 5006 | 5306 | 5518 |
| 18 | S | 3761 | 3867 | 3984 | 4098 | 4297 | 4494 | 4694 | 4884 | 5078 | 5374 | 5589 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | | | | | | | | | |
|----|---|------|------|------|------|------|------|------|------|------|------|------|
| 19 | B | 3724 | 3833 | 3946 | 4066 | 4273 | 4475 | 4683 | 4880 | 5083 | 5392 | 5608 |
| 19 | J | 3724 | 3833 | 3946 | 4066 | 4273 | 4475 | 4683 | 4880 | 5083 | 5392 | 5608 |
| 19 | Q | 3889 | 4006 | 4126 | 4249 | 4466 | 4674 | 4896 | 5100 | 5314 | 5634 | 5859 |
| 19 | S | 3959 | 4077 | 4197 | 4320 | 4537 | 4746 | 4965 | 5171 | 5385 | 5704 | 5932 |
| 20 | B | 3934 | 4052 | 4173 | 4296 | 4513 | 4723 | 4948 | 5163 | 5377 | 5703 | 5931 |
| 20 | Q | 4113 | 4235 | 4360 | 4490 | 4716 | 4938 | 5172 | 5394 | 5619 | 5962 | 6200 |
| 20 | S | 4180 | 4304 | 4430 | 4561 | 4785 | 5006 | 5241 | 5464 | 5688 | 6029 | 6270 |
| 21 | B | 4152 | 4278 | 4405 | 4536 | 4770 | 5000 | 5233 | 5472 | 5700 | 6055 | 6297 |
| 21 | U | 4152 | 4278 | 4405 | 4536 | 4770 | 5000 | 5233 | 5472 | 5700 | 6055 | 6297 |
| 21 | Q | 4340 | 4471 | 4602 | 4741 | 4986 | 5223 | 5470 | 5719 | 5958 | 6328 | 6581 |
| 21 | S | 4409 | 4540 | 4672 | 4812 | 5053 | 5294 | 5540 | 5789 | 6026 | 6398 | 6654 |
| 22 | B | 4388 | 4521 | 4658 | 4796 | 5046 | 5292 | 5542 | 5799 | 6040 | 6416 | 6673 |
| 22 | Q | 4587 | 4725 | 4867 | 5011 | 5274 | 5533 | 5792 | 6059 | 6314 | 6704 | 6972 |
| 22 | S | 4657 | 4794 | 4937 | 5083 | 5341 | 5602 | 5859 | 6130 | 6385 | 6776 | 7047 |
| 23 | B | 4658 | 4796 | 4939 | 5086 | 5356 | 5631 | 5899 | 6171 | 6439 | 6843 | 7117 |
| 23 | Q | 4867 | 5011 | 5162 | 5319 | 5600 | 5887 | 6164 | 6449 | 6729 | 7150 | 7436 |
| 23 | S | 4937 | 5083 | 5233 | 5388 | 5668 | 5955 | 6234 | 6518 | 6797 | 7219 | 7508 |
| 24 | B | 4955 | 5104 | 5256 | 5414 | 5702 | 6001 | 6288 | 6579 | 6876 | 7307 | 7599 |
| 24 | J | 4955 | 5104 | 5256 | 5414 | 5702 | 6001 | 6288 | 6579 | 6876 | 7307 | 7599 |
| 24 | Q | 5178 | 5332 | 5494 | 5660 | 5961 | 6271 | 6572 | 6874 | 7185 | 7637 | 7942 |
| 24 | S | 5248 | 5402 | 5563 | 5729 | 6028 | 6339 | 6641 | 6945 | 7256 | 7706 | 8014 |
| 25 | B | 5282 | 5439 | 5603 | 5771 | 6086 | 6408 | 6727 | 7047 | 7367 | 7840 | 8154 |
| 25 | J | 5282 | 5439 | 5603 | 5771 | 6086 | 6408 | 6727 | 7047 | 7367 | 7840 | 8154 |
| 25 | Q | 5519 | 5685 | 5853 | 6029 | 6361 | 6694 | 7031 | 7366 | 7700 | 8193 | 8521 |
| 25 | S | 5592 | 5753 | 5927 | 6101 | 6431 | 6763 | 7099 | 7434 | 7767 | 8263 | 8594 |
| 26 | B | 5582 | 5748 | 5923 | 6158 | 6495 | 6839 | 7186 | 7521 | 7860 | 8367 | 8702 |
| 26 | U | 5582 | 5748 | 5923 | 6158 | 6495 | 6839 | 7186 | 7521 | 7860 | 8367 | 8702 |
| 27 | B | 5900 | 6076 | 6259 | 6573 | 6931 | 7297 | 7668 | 8026 | 8386 | 8929 | 9286 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | | | | | | | | | |
|----|---|------|------|------|------|------|------|------|------|------|------|-------|
| 27 | J | 5900 | 6076 | 6259 | 6573 | 6931 | 7297 | 7668 | 8026 | 8386 | 8929 | 9286 |
| 27 | U | 5900 | 6076 | 6259 | 6573 | 6931 | 7297 | 7668 | 8026 | 8386 | 8929 | 9286 |
| 29 | U | 6497 | 6691 | 6893 | 7239 | 7632 | 8035 | 8445 | 8838 | 9235 | 9832 | 10225 |

Effective January 1, 2008
Bargaining Unit: RC-062

| Pay Grade | Pay Plan Code | S T E P S | | | | | | | | | | |
|--------------|---------------------|-----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | | 1c | 1b | 1a | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 09 | B | 2554 | 2617 | 2682 | 2749 | 2834 | 2925 | 3015 | 3112 | 3204 | 3355 | 3489 |
| 09 | Q | 2657 | 2721 | 2789 | 2860 | 2948 | 3044 | 3137 | 3239 | 3336 | 3496 | 3636 |
| 09 | S | 2718 | 2785 | 2851 | 2920 | 3010 | 3105 | 3202 | 3304 | 3401 | 3563 | 3705 |
| 10 | B | 2638 | 2701 | 2769 | 2837 | 2941 | 3028 | 3128 | 3227 | 3327 | 3497 | 3637 |
| 10 | Q | 2743 | 2808 | 2878 | 2952 | 3058 | 3152 | 3258 | 3361 | 3466 | 3650 | 3797 |
| 10 | S | 2802 | 2871 | 2940 | 3013 | 3120 | 3216 | 3322 | 3425 | 3535 | 3719 | 3868 |
| 11 | B | 2731 | 2799 | 2871 | 2942 | 3042 | 3140 | 3253 | 3361 | 3465 | 3648 | 3795 |
| 11 | Q | 2841 | 2911 | 2984 | 3060 | 3169 | 3273 | 3390 | 3503 | 3614 | 3810 | 3962 |
| 11 | S | 2904 | 2974 | 3046 | 3121 | 3232 | 3335 | 3454 | 3569 | 3683 | 3877 | 4032 |
| 12 | B | 2838 | 2909 | 2982 | 3060 | 3172 | 3277 | 3399 | 3510 | 3640 | 3835 | 3988 |
| 12 | Q | 2954 | 3026 | 3103 | 3186 | 3303 | 3413 | 3544 | 3665 | 3798 | 4005 | 4165 |
| 12 | S | 3015 | 3088 | 3167 | 3248 | 3367 | 3478 | 3612 | 3734 | 3869 | 4077 | 4239 |
| 12H | B | 17.46 | 17.90 | 18.35 | 18.83 | 19.52 | 20.17 | 20.92 | 21.60 | 22.40 | 23.60 | 24.54 |
| 12H | Q | 18.18 | 18.62 | 19.10 | 19.61 | 20.33 | 21.00 | 21.81 | 22.55 | 23.37 | 24.65 | 25.63 |
| 12H | S | 18.55 | 19.00 | 19.49 | 19.99 | 20.72 | 21.40 | 22.23 | 22.98 | 23.81 | 25.09 | 26.09 |
| 13 | B | 2942 | 3016 | 3093 | 3175 | 3292 | 3418 | 3545 | 3675 | 3813 | 4024 | 4185 |
| 13 | Q | 3060 | 3139 | 3221 | 3307 | 3429 | 3564 | 3703 | 3838 | 3979 | 4205 | 4373 |
| 13 | S | 3121 | 3203 | 3286 | 3370 | 3495 | 3632 | 3773 | 3906 | 4052 | 4278 | 4449 |
| 14 | B | 3062 | 3140 | 3226 | 3311 | 3437 | 3571 | 3727 | 3864 | 4010 | 4244 | 4414 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | | | | | | | | | |
|-----|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 14 | Q | 3188 | 3273 | 3360 | 3451 | 3583 | 3729 | 3891 | 4038 | 4192 | 4435 | 4612 |
| 14 | S | 3250 | 3335 | 3424 | 3516 | 3654 | 3797 | 3962 | 4108 | 4264 | 4505 | 4685 |
| 14H | B | 18.84 | 19.32 | 19.85 | 20.38 | 21.15 | 21.98 | 22.94 | 23.78 | 24.68 | 26.12 | 27.16 |
| 14H | Q | 19.62 | 20.14 | 20.68 | 21.24 | 22.05 | 22.95 | 23.94 | 24.85 | 25.80 | 27.29 | 28.38 |
| 14H | S | 20.00 | 20.52 | 21.07 | 21.64 | 22.49 | 23.37 | 24.38 | 25.28 | 26.24 | 27.72 | 28.83 |
| 15 | B | 3180 | 3263 | 3352 | 3442 | 3595 | 3743 | 3889 | 4048 | 4198 | 4451 | 4629 |
| 15 | Q | 3312 | 3400 | 3494 | 3592 | 3750 | 3906 | 4063 | 4233 | 4388 | 4649 | 4836 |
| 15 | S | 3376 | 3463 | 3561 | 3659 | 3820 | 3974 | 4136 | 4303 | 4458 | 4723 | 4911 |
| 16 | B | 3321 | 3410 | 3503 | 3604 | 3765 | 3932 | 4095 | 4267 | 4436 | 4699 | 4886 |
| 16 | Q | 3459 | 3556 | 3657 | 3762 | 3932 | 4109 | 4281 | 4457 | 4636 | 4912 | 5109 |
| 16 | S | 3528 | 3626 | 3726 | 3833 | 4003 | 4182 | 4355 | 4529 | 4709 | 4980 | 5179 |
| 17 | B | 3468 | 3566 | 3669 | 3776 | 3950 | 4132 | 4307 | 4482 | 4664 | 4941 | 5139 |
| 17 | Q | 3618 | 3722 | 3831 | 3940 | 4129 | 4318 | 4499 | 4682 | 4873 | 5163 | 5370 |
| 17 | S | 3685 | 3791 | 3900 | 4011 | 4201 | 4392 | 4573 | 4754 | 4944 | 5238 | 5447 |
| 18 | B | 3645 | 3750 | 3858 | 3973 | 4165 | 4360 | 4558 | 4743 | 4934 | 5228 | 5437 |
| 18 | Q | 3806 | 3915 | 4031 | 4152 | 4357 | 4557 | 4765 | 4959 | 5156 | 5465 | 5684 |
| 18 | S | 3874 | 3983 | 4104 | 4221 | 4426 | 4629 | 4835 | 5031 | 5230 | 5535 | 5757 |
| 19 | B | 3836 | 3948 | 4064 | 4188 | 4401 | 4609 | 4823 | 5026 | 5235 | 5554 | 5776 |
| 19 | J | 3836 | 3948 | 4064 | 4188 | 4401 | 4609 | 4823 | 5026 | 5235 | 5554 | 5776 |
| 19 | Q | 4006 | 4126 | 4250 | 4376 | 4600 | 4814 | 5043 | 5253 | 5473 | 5803 | 6035 |
| 19 | S | 4078 | 4199 | 4323 | 4450 | 4673 | 4888 | 5114 | 5326 | 5547 | 5875 | 6110 |
| 20 | B | 4052 | 4174 | 4298 | 4425 | 4648 | 4865 | 5096 | 5318 | 5538 | 5874 | 6109 |
| 20 | Q | 4236 | 4362 | 4491 | 4625 | 4857 | 5086 | 5327 | 5556 | 5788 | 6141 | 6386 |
| 20 | S | 4305 | 4433 | 4563 | 4698 | 4929 | 5156 | 5398 | 5628 | 5859 | 6210 | 6458 |
| 21 | B | 4277 | 4406 | 4537 | 4672 | 4913 | 5150 | 5390 | 5636 | 5871 | 6237 | 6486 |
| 21 | U | 4277 | 4406 | 4537 | 4672 | 4913 | 5150 | 5390 | 5636 | 5871 | 6237 | 6486 |
| 21 | Q | 4470 | 4605 | 4740 | 4883 | 5136 | 5380 | 5634 | 5891 | 6137 | 6518 | 6778 |
| 21 | S | 4541 | 4676 | 4812 | 4956 | 5205 | 5453 | 5706 | 5963 | 6207 | 6590 | 6854 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | | | | | | | | | |
|----|---|------|------|------|------|------|------|------|------|------|-------|-------|
| 22 | B | 4520 | 4657 | 4798 | 4940 | 5197 | 5451 | 5708 | 5973 | 6221 | 6608 | 6873 |
| 22 | Q | 4725 | 4867 | 5013 | 5161 | 5432 | 5699 | 5966 | 6241 | 6503 | 6905 | 7181 |
| 22 | S | 4797 | 4938 | 5085 | 5235 | 5501 | 5770 | 6035 | 6314 | 6577 | 6979 | 7258 |
| 23 | B | 4798 | 4940 | 5087 | 5239 | 5517 | 5800 | 6076 | 6356 | 6632 | 7048 | 7331 |
| 23 | Q | 5013 | 5161 | 5317 | 5479 | 5768 | 6064 | 6349 | 6642 | 6931 | 7365 | 7659 |
| 23 | S | 5085 | 5235 | 5390 | 5550 | 5838 | 6134 | 6421 | 6714 | 7001 | 7436 | 7733 |
| 24 | B | 5104 | 5257 | 5414 | 5576 | 5873 | 6181 | 6477 | 6776 | 7082 | 7526 | 7827 |
| 24 | J | 5104 | 5257 | 5414 | 5576 | 5873 | 6181 | 6477 | 6776 | 7082 | 7526 | 7827 |
| 24 | Q | 5333 | 5492 | 5659 | 5830 | 6140 | 6459 | 6769 | 7080 | 7401 | 7866 | 8180 |
| 24 | S | 5405 | 5564 | 5730 | 5901 | 6209 | 6529 | 6840 | 7153 | 7474 | 7937 | 8254 |
| 25 | B | 5440 | 5602 | 5771 | 5944 | 6269 | 6600 | 6929 | 7258 | 7588 | 8075 | 8399 |
| 25 | J | 5440 | 5602 | 5771 | 5944 | 6269 | 6600 | 6929 | 7258 | 7588 | 8075 | 8399 |
| 25 | Q | 5685 | 5856 | 6029 | 6210 | 6552 | 6895 | 7242 | 7587 | 7931 | 8439 | 8777 |
| 25 | S | 5760 | 5926 | 6105 | 6284 | 6624 | 6966 | 7312 | 7657 | 8000 | 8511 | 8852 |
| 26 | B | 5749 | 5920 | 6101 | 6343 | 6690 | 7044 | 7402 | 7747 | 8096 | 8618 | 8963 |
| 26 | U | 5749 | 5920 | 6101 | 6343 | 6690 | 7044 | 7402 | 7747 | 8096 | 8618 | 8963 |
| 27 | B | 6077 | 6258 | 6447 | 6770 | 7139 | 7516 | 7898 | 8267 | 8638 | 9197 | 9565 |
| 27 | J | 6077 | 6258 | 6447 | 6770 | 7139 | 7516 | 7898 | 8267 | 8638 | 9197 | 9565 |
| 27 | U | 6077 | 6258 | 6447 | 6770 | 7139 | 7516 | 7898 | 8267 | 8638 | 9197 | 9565 |
| 29 | U | 6692 | 6892 | 7100 | 7456 | 7861 | 8276 | 8698 | 9103 | 9512 | 10127 | 10532 |

(Source: Peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

| <u>Section Numbers:</u> | <u>Peremptory Action:</u> |
|-------------------------|---------------------------|
| 121.24 | Amendment |
| 121.57 | Amendment |
| 121.60 | Amendment |
| 121.61 | Amendment |
| 121.63 | Amendment |
| 121.64 | Amendment |
| 121.94 | Amendment |
| 121.96 | Amendment |
| 121.150 | Amendment |
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: This rulemaking is the result of Title IV of PL 110-246, the Food, Conservation, and Energy Act of 2008 (FCEA) enacted June 18, 2008, and the Fair Minimum Wage Act of 2007.
- 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 6) Effective Date: October 1, 2008
- 7) A Complete Description of the Subjects and Issues Involved: This rulemaking is the result of Title IV of PL 110-246, The Food, Conservation, and Energy Act of 2008 (FCEA) enacted June 18, 2008, and the Fair Minimum Wage Act of 2007. FCEA 2008 contains various provisions that affect food stamp eligibility and benefits. These regulations require an annual update effective October 1, 2008, of the maximum Food Stamp benefit amounts, the maximum gross and net income eligibility standards, the maximum excess shelter deduction, and the standard deduction. Federal law also increases the minimum benefit amounts for one and two-person households from \$10 to \$14 and removes the cap on dependent care costs, allowing households to use the actual costs of their monthly dependent care expenses. Federal law also exempts any retirement and educational account with federal tax-deferred status from the food stamp asset test. Federal law also de-obligates food stamp coupons as legal tender and prohibits States from issuing coupons as of June 18, 2008.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

The Fair Minimum Wage Act of 2007 raised the federal minimum wage to \$6.55 per hour effective July 24, 2008.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: October 1, 2008
- 10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding these peremptory 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, IL 62762

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | |
|--------|--|
| 121.30 | Unearned Income |
| 121.31 | Exempt Unearned Income |
| 121.32 | Education Benefits (Repealed) |
| 121.33 | Unearned Income In-Kind |
| 121.34 | Lump Sum Payments and Income Tax Refunds |
| 121.40 | Earned Income |
| 121.41 | Budgeting Earned Income |
| 121.50 | Exempt Earned Income |
| 121.51 | Income from Work/Study/Training Programs |
| 121.52 | Earned Income from Roomer and Boarder |
| 121.53 | Income From Rental Property |
| 121.54 | Earned Income In-Kind |
| 121.55 | Sponsors of Aliens |
| 121.57 | Assets |
| 121.58 | Exempt Assets |
| 121.59 | Asset Disregards |

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

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

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section

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

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section

| | |
|---------|--|
| 121.160 | Persons Required to Participate |
| 121.162 | Program Requirements |
| 121.163 | Vocational Training |
| 121.164 | Orientation (Repealed) |
| 121.165 | Community Work |
| 121.166 | Assessment and Employability Plan (Repealed) |
| 121.167 | Counseling/Prevention Services |
| 121.170 | Job Search Activity |
| 121.172 | Basic Education Activity |
| 121.174 | Job Readiness Activity |
| 121.176 | Work Experience Activity |
| 121.177 | Illinois Works Component (Repealed) |
| 121.178 | Job Training Component (Repealed) |
| 121.179 | JTPA Employability Services Component (Repealed) |
| 121.180 | Grant Diversion Component (Repealed) |
| 121.182 | Earnfare Activity |
| 121.184 | Sanctions for Non-cooperation with Food Stamp Employment and Training |
| 121.186 | Good Cause for Failure to Cooperate |
| 121.188 | Supportive Services |
| 121.190 | Conciliation |
| 121.200 | Types of Claims (Recodified) |
| 121.201 | Establishing a Claim for Intentional Violation of the Program (Recodified) |
| 121.202 | Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified) |
| 121.203 | Collecting Claim Against Households (Recodified) |
| 121.204 | Failure to Respond to Initial Demand Letter (Recodified) |
| 121.205 | Methods of Repayment of Food Stamp Claims (Recodified) |
| 121.206 | Determination of Monthly Allotment Reductions (Recodified) |
| 121.207 | Failure to Make Payment in Accordance with Repayment Schedule (Recodified) |
| 121.208 | Suspension and Termination of Claims (Recodified) |

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

| | |
|---------|---|
| 121.220 | Work Requirement Components (Repealed) |
| 121.221 | Meeting the Work Requirement with the Earnfare Component (Repealed) |
| 121.222 | Volunteer Community Work Component (Repealed) |

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.24 Individuals Exempt From Work Registration Requirements

- a) Individuals receiving TANF who are required to participate in the TANF work and training program in accordance with 89 Ill. Adm. Code 112.71 and 112.72 are

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

not exempt from food stamp work registration requirements unless they have a child under age six.

- b) Individuals not receiving TANF who are listed below are exempt from food stamp work registration requirements, but may, if they wish, voluntarily register:
- 1) ineligible household members;
 - 2) parent or other household member having responsibility for the care of a dependent child or children under age six or the care of an incapacitated person or persons;
 - 3) persons under age 16 or age 60 or over;
 - 4) a person age 16 or 17 who is not the primary wage earner or is attending school or enrolled in a training program on at least a half-time basis;
 - 5) a person who is temporarily ill or chronically ill;
 - A) A person is temporarily ill, when determined by the local office, on the basis of medical evidence (for example, statement from a medical provider) or on another sound basis that the illness or injury is serious enough to temporarily prevent the person from engaging in employment or participating in FSE&T. Minor ailments and injuries such as colds, broken fingers or rashes are not serious enough, normally, to exempt the individual under this criterion. A sound basis for exemption from FSE&T on a temporary basis includes, but is not limited to:
 - i) the observation of a cast on a broken leg; or
 - ii) information, provided by the client, of a scheduled surgery or recuperation from surgery;
 - B) A person is chronically ill, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the person from engaging in employment or participating in FSE&T;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- C) When a person is determined either temporarily or chronically ill, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when ~~a review of~~ the case will be reevaluated to determine whether the exempted person continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the person that a reevaluation is necessary.
- 6) any drug addict or alcoholic who regularly participates in a drug or alcoholic treatment and rehabilitation program;
- 7) persons who are engaged in gainful employment, employed or self-employed at least 30 hours per week or receiving weekly earnings equivalent to or greater than the Federal Minimum Wage (~~\$6.55~~~~-\$15~~ per hour) multiplied by 30 hours and migrant and seasonal farm-workers under a contract to begin employment within 30 days after application;
- 8) persons receiving Unemployment Insurance (UI) or who have applied for UI if required to register for Job Service as part of the UI application process;
- 9) students enrolled at least half-time in any recognized:
- A) school;
- B) training program; or
- C) institution of higher education and who have met one of the eligibility requirements set forth in Section 121.75(a);
- 10) is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act, if the individual was receiving financial assistance or food stamps at the time he or she joined VISTA. Persons enrolled full-time under Title II of the 1973 Domestic Volunteer Services Act as senior health aide, foster grandparents, senior companions or persons serving in the Senior Corps of Retired Executives (SCORE)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

and Active Corps of Executive (ACE), etc., are exempt.

(Source: Amended by preemptory rulemaking at 32 Ill. Reg. 16905, effective October 1, 2008)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.57 Assets

- a) The value of nonexempt assets shall be considered in determining eligibility.
- b) Value of Nonexempt Assets
 - 1) The value of nonexempt assets is the equity value (fair market value less the amount owed), except for prepaid funeral agreements valued over \$1500.
 - 2) The Department considers the following assets in determining eligibility:
 - A) Liquid Assets
 - i) Liquid assets are those properties in the form of cash or other financial instruments which are convertible to cash, such as, but not limited to, cash on hand, money, in checking or savings accounts, credit union accounts, savings certificates, stocks or bonds, lump-sum payments, and prepaid funeral agreements, ~~IRAs and Keogh Plans that do not involve a contractual relationship with someone who is not a member of the same food stamp household.~~
 - ii) Exempt any retirement funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5, United States Code. Exempt any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code. Pension plans are exempt

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

~~from consideration as an asset, except accounts owned solely by an individual, such as an Individual Retirement Account (IRA), 401 K or Keogh Plan, that are accessible without a penalty for withdrawal.~~

- B) Nonliquid Assets
Nonliquid assets are those properties which are not in the form of cash or other financial instruments, such as personal property, licensed vehicles, unlicensed vehicles, buildings, land, recreational properties, and any other property not specifically exempted in Section 121.58.
- C) Assets of Sponsors of Aliens
Consider the assets of the sponsor and the sponsor's spouse who sponsored an alien on or after February 1, 1983 (7 CFR 272.1(g)(54) (2001)) in accordance with Section 121.55.
- D) Licensed Vehicles
The Department shall consider the equity value of a licensed vehicle unless exempted as stated in Section 121.58.
- E) Prepaid Funeral Agreements
The value of prepaid funeral agreements over \$1500.00 per person is considered.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 16905, effective October 1, 2008)

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

- a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned food stamp benefits based on the net monthly food stamp income.
- b) The maximum net monthly income standards are:

| Household Size | Amount |
|----------------|--------|
|----------------|--------|

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | |
|-----------------------------|----------------------|
| 1..... | \$ 867851 |
| 2..... | 1,167,141 |
| 3..... | 1,467,431 |
| 4..... | 1,767,721 |
| 5..... | 2,067,011 |
| 6..... | 2,367,301 |
| 7..... | 2,667,591 |
| 8..... | 2,967,881 |
| Each additional member..... | 300290 |

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Amended by preemptory rulemaking at 32 Ill. Reg. 16905, effective October 1, 2008)

Section 121.61 Gross Monthly Income Eligibility Standards

a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c)). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
- E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
- H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
- I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
- J) A member receives Railroad Retirement disability benefits.
- K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
- L) A member receives disability-related medical assistance benefits

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.

- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).
- 3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility.

| b) Household Size | Gross Income |
|-------------------|-------------------------|
| One Person | \$1,1274,107 |
| Two Persons | 1,5174,484 |
| Three Persons | 1,9074,861 |
| Four Persons | 2,2972,238 |
| Five Persons | 2,6872,615 |
| Six Persons | 3,0772,992 |
| Seven Persons | 3,4673,369 |
| Eight Persons | 3,8573,746 |

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Each Additional Member + ~~390~~377

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 16905, effective October 1, 2008)

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is \$~~144~~134. The standard deduction for a household size of four persons is \$~~147~~143. The standard deduction for a household size of five persons is \$~~172~~167. For households of six or more persons, the standard deduction is \$~~197~~191.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
 - 2) The amount of the deduction is to be determined by the actual costs for care ~~and is not to exceed \$200~~ per month for each ~~child under age 2 and \$175 per month for each other~~ dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$~~446431~~.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.
 - 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$28; and
 - C) fees charged by the utility provider for initial installation.
- 2) Utility deposits are not considered to be utility costs.
- 3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$299. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of \$177. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of \$37. If only a separately-billed telephone expense is claimed, the basic telephone allowance of \$28 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.
- 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6)). Households who receive, apply for, or anticipate applying for a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the food stamp application, shall be allowed the air conditioning/heating standard (7 CFR 273.9). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended by preemptory rulemaking at 32 Ill. Reg. 16905, effective October 1, 2008)

Section 121.64 Food Stamp Benefit Amount

- a) The monthly food stamp benefit amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly food stamp benefit amount.
- b) Maximum Monthly Food Stamp Benefit Amount:

| Household Size | Amount |
|----------------|----------------------------------|
| 1..... | \$ 176 ¹⁶² |
| 2..... | \$ 323 ²⁹⁸ |

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | |
|-----------------------------|--------------------|
| 3..... | \$ <u>463426</u> |
| 4..... | \$ <u>588542</u> |
| 5..... | \$ <u>698643</u> |
| 6..... | \$ <u>838772</u> |
| 7..... | \$ <u>926853</u> |
| 8..... | \$ <u>1,058975</u> |
| Each additional member..... | \$ <u>132422</u> |

c) All one and two-person households will receive a minimum monthly food stamp benefit amount of \$1410.

d) September Food Stamp Benefit Amount Adjustment
 The annual revisions of maximum gross and net income standards, standard deduction, maximum excess shelter deduction and food stamp benefit amounts are effective October 1st of each year. Because the September fiscal month of certain households includes days which fall in the October calendar month, the portion of the September fiscal food stamp benefit amount covering October 1st and later must be increased to reflect the new standards.

(Source: Amended by preemptory rulemaking at 32 Ill. Reg. 16905, effective October 1, 2008)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.94 Replacement of the EBT Card or Food Stamp Benefits

a) Replacement of the EBT Card

1) The EBT card (benefit access device) will be replaced if lost, stolen or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

damaged.

- 2) The loss, theft or damage of the EBT card must be immediately reported to the EBT contractor.
 - 3) The client shall contact the Client Help Desk toll-free at (800)678-5465, by TTY at (877)765-3459 or via the internet at <http://www.Link.Illinois.gov> for replacement of the EBT card and selection of a Personal Identification Number (PIN). A replacement card may be issued by the local office with administrative approval.
 - 4) Administrative remedies, as described in subsection (c) of this Section, may be imposed following the loss, theft or damage of the EBT card or the loss of food stamp benefits.
- b) For households receiving food stamp benefits via the EBT system, lost benefits resulting from the loss or theft of the EBT card and PIN will not be replaced due to the client's mismanagement or presumed fraud, collusion or cooperation in fraud.
- c) ~~For households receiving food stamp benefits via food stamp coupons not through the EBT system, the following rules will apply:~~
- 1) ~~When a household reports the non-receipt of coupons issued through the mail, the Department shall authorize a replacement issuance only if the coupons were validly issued, the household has not been issued more than one replacement in the previous five months and if sufficient time, up to five post office working days, has elapsed for delivery. The replacement coupons will be sent to the local office address and thereafter, for the next two months following the replacement, each month's regular issuance of coupons will be sent to the local office address.~~
 - 2) ~~Replacement coupons shall not be issued when a participant claims that the envelope received in the mail contained less than the authorized allotment unless the coupon loss was due to damage in the mail before delivery or the Direct Mail Issuance Center inventory is incorrect. Additionally, replacement coupons shall not be issued for coupons that are received but subsequently are lost or misplaced.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- ~~3) If a household requests replacement of food stamp coupons which were received by the household but which were improperly manufactured or were subsequently damaged or mutilated, the Section 121.94(e)(3) continued Department shall replace the coupons in an amount equal to the value of the improperly manufactured or mutilated coupons. A coupon cannot be replaced if less than three fifths of the coupon is presented by the household.~~
- ~~4) If a household requests replacement of food stamp coupons which were received but subsequently destroyed in a household disaster and the request is made within ten days after the disaster, the Department shall replace the coupons in an amount not to exceed one month's worth of coupons within ten days after the date destruction was reported to the local office. The disaster must be verified. Replacement of destroyed coupons is limited to twice in a six month period.~~
- ~~5) Replacement food stamp coupons shall not be issued for coupons that are lost, misplaced or stolen.~~

d) Administrative Remedies

The Department may employ any of the administrative remedies listed in this subsection (~~cd~~) to deter multiple claims of benefit loss or multiple EBT card replacements, subject to notice to and appeal by the client. Which remedy would be applied will be determined by such elements as the type of situation that gives rise to the need for the remedy and the effectiveness of previously utilized remedies.

- 1) Charge for Replacement Card or Cards – The Department may assess a fee for replacement of the EBT card. Such fees may increase for subsequent replacement cards.
- 2) Telephone Approval – The Department may require the client to obtain time and amount-limited telephonic approval for use of the EBT card. The client would be required to place a call to the EBT contractor and positively identify himself or herself. The preauthorization would be time-limited and for a specific, preauthorized amount. The client would be able to use the card for a period of two hours or for some other period designated by the Department. The amount of the transaction could not exceed the preauthorized amount and must be accomplished electronically

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(manual authorization or voucher processing). Key-entered transactions or exception processing may not be used.

- 3) Transaction Withdrawals – To assist a client in managing his or her funds or to reduce the potential for fraud, the Department may limit the amount of benefits that may be withdrawn or used per transaction per day. The amount would not exceed \$50.00 and may be lowered, as determined by the Department to be necessary under the individual circumstances.
- 4) Use of Specific POS Terminals – The Department may notify a client that it has restricted benefit access points available to the client. The client may be restricted to accessing benefits at one or two locations, designated by the Department. The merchant or retailer would have to obtain telephone authorization of the transaction. Use of exception processing or key-entered transactions would not be allowed. This determination can only be imposed for a period not to exceed 24 months and is designed to address situations of mismanagement, fraud, multiple replacement requests and intentional program violations.
- 5) Use of Protective or Alternate Payee – Repeated loss of the EBT card and PIN is a basis for a determination of client mismanagement and authorization of a Protective Payment Plan (PPP).

de) Other Remedies

The Department may use other remedies to reduce future claims and to address fraud, abuse, collusion or intentional program violations, as warranted by the individual case circumstances. Those remedies may include, but shall not be limited to:

- 1) disqualification;
- 2) penalties, fines and/or imprisonment consistent with federal and State law and regulations; and
- 3) referrals to federal law enforcement authorities, when appropriate.

(Source: Amended by preemptory rulemaking at 32 Ill. Reg. 16905, effective October 1, 2008)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 121.96 Uses For ~~Benefits~~Food Coupons

- a) Food stamps shall be used to purchase eligible food from food retailers and/or wholesalers authorized by the United States Department of Agriculture (USDA) to accept food stamps.
- b) Food stamps may be used to purchase seeds and plants for use in gardens to produce food for personal consumption.
- c) Food stamps may not be used to:
 - 1) purchase alcoholic beverages and tobacco
 - 2) pay back grocery bills (incurred prior to receipt of food stamps.)
 - 3) purchase hot foods or hot food products which can be eaten immediately and that are sold in retail food stores.
- d) ~~1) Households that do not reside in permanent dwellings or have no fixed mailing address may use their food stamps to purchase meals prepared for and served by USDA authorized public or private nonprofit establishments which feed such individuals and public or private nonprofit shelters which provide temporary residence (except that such establishments and shelters may only request voluntary use of food stamps by such individuals and may not request such households to pay more than the average cost of the food contained in a meal served by the establishment or shelter. "Average cost" refers to direct costs, through purchases of food used in preparation of meals. For purposes of this rule, "average cost" shall be determined by averaging costs over a period of one calendar month.)~~ ~~2) However, in the case of homeless food stamp households, neither cash change no credit slips shall be returned for coupons used for the purchase of prepared meals from authorized establishments and shelters. Such establishments and shelters may use uncanceled and unmarked \$1.00 coupons which were previously accepted for meals served to food stamp recipients when change is required for \$5.00 and \$10.00 coupons.~~

AGENCY NOTE: In accordance with 7 CFR 272.9, the Department shall approve public and private nonprofit establishments and shelters serving the homeless if the establishment shelter serves meals to the homeless. The Food and Nutrition Service of USDA shall authorize as retail food stores, those establishments and shelters which apply and qualify for authorization to accept

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

food stamps from homeless recipients in accordance with 7 CFR 278.1 and 278.2.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 16905, effective October 1, 2008)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section 121.150 Definition of Intentional Violation of the Program

Intentional violation of the Food Stamp program occurs when an individual intentionally:

- a) Makes a false or misleading statement.
- b) Misrepresents, conceals or withholds facts, or ~~commits~~ Commits any act that constitutes a violation of the Food ~~and Nutrition Act of 2008~~ Stamp Act, the Food Stamp program regulations, or any state statute regarding the use, presentation, transfer, acquisition, receipt, or possession of Food Stamp ~~benefit~~ coupons or ATP's.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 16905, effective October 1, 2008)

DEPARTMENT OF EMPLOYMENT SECURITY

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Payment of Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2830
- 3) Section Number: 2830.305
- 4) Date Proposal published in Illinois Register: May 2, 2008; 32 Ill. Reg. 7005
- 5) Date Adoption published in Illinois Register: August 8, 2008; 32 Ill. Reg. 13183
- 6) Summary and Purpose of Expedited Correction: In Section 2830.305(a), the word "claimant's" appears redundantly prior to the phrase "local office where the claimant last filed a claim for benefits". This extra word was not included in the 2nd Notice version of the rule text to which DES had agreed and to which JCAR had issued a Certificate of No Objection. The expedited correction is requested in order to conform the rule text to that agreed upon with the Joint Committee. The effective date of the expedited correction is July 24, 2008, the effective date of the rulemaking being corrected.
- 7) Information and questions regarding this request shall be directed to:

Mr. Gregory Ramel
Deputy Legal Counsel
Department of Employment Security
33 S. State Street, Room 937
Chicago IL 60603

312/793-4240
Fax: 312/793-5645
E-mail: gregory.ramel@illinois.gov

DEPARTMENT OF EMPLOYMENT SECURITY

REQUEST FOR EXPEDITED CORRECTION

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEESPART 2830
PAYMENT OF BENEFITS

SUBPART A: GENERAL PROVISIONS

| | |
|---------|---|
| Section | |
| 2830.10 | Mailing Address For Benefit Checks |
| 2830.50 | Calculating The "National Average Of This Ratio" Under Section 401 Of The Act |

SUBPART B: PAYMENT TO DECEASED CLAIMANTS

| | |
|----------|---|
| Section | |
| 2830.200 | Payment Of Benefits Due A Deceased Claimant |
| 2830.205 | Order Of Payment To Survivors Of A Deceased Claimant |
| 2830.210 | Payment To A Minor Survivor Of A Deceased Claimant |
| 2830.215 | Time And Manner For Claiming Benefits Due A Deceased Claimant |
| 2830.220 | Right Of Appeal |

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED
PAYMENTS OR LOST OR STOLEN DEBIT CARDS

| | |
|----------|--|
| Section | |
| 2830.300 | Requests For Reissuance Of Checks Or Replacement Of Electronic Payments |
| 2830.303 | Lost Or Stolen Debit Cards |
| 2830.305 | Where Original Benefit Check Has Been Processed By The Payor Bank Or Where Direct Deposit Has Been Established Without Authorization |
| 2830.310 | Check Or Direct Deposit Authorization Forgery Investigation |
| 2830.315 | Notice Of Interview |
| 2830.320 | Continuances |
| 2830.325 | Check Or Direct Deposit Authorization Forgery Interview |
| 2830.330 | The Record |
| 2830.335 | Decision |
| 2830.340 | Appeals |

DEPARTMENT OF EMPLOYMENT SECURITY

REQUEST FOR EXPEDITED CORRECTION

AUTHORITY: Implementing and authorized by Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701].

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 26, filed as amended May 2, 1952, effective May 12, 1952; rule repealed by operation of law, October 1, 1984; new rules adopted at 9 Ill. Reg. 10005, effective June 15, 1985; amended at 14 Ill. Reg. 9101, effective May 23, 1990; amended at 15 Ill. Reg. 16960, effective November 12, 1991; amended at 32 Ill. Reg. 13183, effective July 24, 2008; expedited correction at 32 Ill. Reg. _____, effective _____.

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED
PAYMENTS OR LOST OR STOLEN DEBIT CARDS

**Section 2830.305 Where Original Benefit Check Has Been Processed By The Payor Bank
Or Where Direct Deposit Has Been Established Without Authorization**

- a) When a request for reissuance of a payment is made by a claimant pursuant to Section 2830.300 and it is determined that the check has already been processed by the payor bank or when the payment has been directly deposited into a financial institution account the claimant asserts he or she did not authorize pursuant to 56 Ill. Adm. Code 2720.11, the claimant will be sent a copy of the check or the Direct Deposit Authorization/Change Form and an Affidavit of Non-Endorsement or an Affidavit of Non-Authorization for Direct Deposit. If the claimant believes that neither the claimant nor the claimant's authorized agent endorsed the check or completed the direct deposit authorization, within 30 days after the mailing of the copy of the check or Direct Deposit Authorization/Change Form, the claimant must file the completed Affidavit of Non-Endorsement or Affidavit of Non-Authorization for Direct Deposit, as appropriate, at the ~~claimant's~~ local office where the claimant last filed a claim for benefits.
- b) When a request for reissuance of a benefit check is made by a second endorser and the original benefit check has been processed by the payor bank, the request must be made within 90 days after the date that the check was paid by the payor bank.

(Source: Expedited Correction at 32 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF AGENCY RESPONSE TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES TO EXISTING RULES

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.75 Action: Additional rulemaking to revise Section 1.75
- 4) Date Notice of Adopted Rules Published in the Register: December 9, 2005; 29 Ill. Reg. 19891
- 5) Date JCAR Statement of Objection Published in the Register: October 3, 2008; 32 Ill. Reg. 16273
- 6) Summary of Action Taken by the Agency: On September 16, 2008, JCAR objected to ISBE's existing rule titled "Student Information System" (23 Ill. Adm. Code 1.75) based on the agency's failure to add more detailed guidelines for districts' participation in the system and the agency's accommodations for districts that are technologically unable to participate.

When Section 1.75 was originally promulgated in 2005, the Student Information System (SIS) was just being launched. Since some aspects of the system were still under development, it was unclear at that time how all districts' participation would be facilitated. The rule was written to provide a "safety valve" in case there were districts that could not communicate their data electronically. Further, identification of the universe of data elements to be included was not yet complete, so the best available examples were provided. ISBE did agree at that time to amplify the rule when more information became available.

In the intervening years, however, ISBE has enabled all Illinois school districts to use the Student Information System by making the system flexible enough to accommodate the variety of software packages that districts use for purposes such as scheduling of classes and transportation, teachers' assignments, etc. The data collection that takes place via the SIS replaces a number of reports that districts have previously had to submit individually. District staff members enter the relevant data into their own systems and the data are periodically uploaded into the SIS. This reporting mechanism has permitted elimination of the Fall Enrollment and Housing Report, as well as enrollment reports for individual programs such as early childhood education and bilingual education. Additional reports are scheduled for elimination in the future, and ISBE also makes statistics and reports

STATE BOARD OF EDUCATION

NOTICE OF AGENCY RESPONSE TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES TO EXISTING RULES

available to districts through the system in order to improve their ability to make data-driven decisions.

ISBE is willing to revise Section 1.75 as originally agreed with JCAR and to initiate the revision as part of a more comprehensive set of amendments that is currently under development. Students' academic performance is certainly another type of information that can be identified as being gathered by the system. Beyond that, however, there is very little that is needed in terms of guidelines for participation, since districts are able to use their own internal systems and the underlying reporting requirements sometimes have their own statutorily established timelines. (See, for example, Section 14C-3 of the School Code regarding the public school bilingual census.) Staff will work with the Joint Committee to determine what further detail will be responsive to JCAR's concern.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 30, 2008 through October 6, 2008 and have been scheduled for review by the Committee at its Thursday, October 16, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| <u>Second Notice Expires</u> | <u>Agency and Rule</u> | <u>Start Of First Notice</u> | <u>JCAR Meeting</u> |
|--------------------------------------|---|--------------------------------------|-------------------------|
| 11/14/08 | <u>Department of Public Health</u> , Nursing Education Scholarships (77 Ill. Adm. Code 597) | 5/2/08 32 Ill. Reg. 7013 | 10/16/08 |
| 11/14/08 | <u>Liquor Control Commission</u> , Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs (77 Ill. Adm. Code 3500) | 7/11/08 32 Ill. Reg. 9796 | 10/16/08 |
| 11/15/08 | <u>Illinois Commerce Commission</u> , Service Quality and Customer Protection Applicable to Wireless Eligible Telecommunications Carriers (83 Ill. Adm. Code 736) | 5/16/08 32 Ill. Reg. 7517 | 10/16/08 |
| 11/16/08 | <u>Deaf and Hard of Hearing Commission</u> , Interpreter for the Deaf Licensure Act of 2007 (68 Ill. Adm. Code 1515) | 7/7/08 32 Ill. Reg. 9432 | 10/16/08 |
| 11/19/08 | <u>Department of Financial and Professional Regulation</u> , Professional Boxing Act (Repealer) (68 Ill. Adm. Code 1370) | 7/7/08 32 Ill. Reg. 9457 | 10/16/08 |
| 11/19/08 | <u>Department of Financial and Professional Regulation</u> , Professional Boxing Act (68 Ill. Adm. Code 1371) | 7/7/08 32 Ill. Reg. 9489 | 10/16/08 |

PROCLAMATIONS

2008-390**Childhood Lead Poisoning Prevention Week**

- WHEREAS, lead poisoning is one of the most preventable environmental health problems affecting children in the United States; and
- WHEREAS, even at low levels, lead poisoning can affect nearly every system in the body, causing learning disabilities, shortened attention span, behavioral problems and, in extreme instances, seizure, coma and even death; and
- WHEREAS, lead poisoning can affect any family regardless of race, socioeconomic status and education; and
- WHEREAS, Illinois identified approximately 5,270 lead poisoned children in 2007; and
- WHEREAS, the major source of lead exposure among Illinois children continues to be lead-contaminated dust and lead-based paint banned in 1978; and
- WHEREAS, nearly 2.1 million housing units built prior to 1978 still remain in Illinois; and
- WHEREAS, Illinois passed the Lead Poisoning Prevention Act in 1973 to set mandatory screening and reporting requirements; and
- WHEREAS, Illinois established the Lead Poisoning Prevention Program in the Illinois Department of Public Health to monitor the identification and treatment of lead poisoned children; and
- WHEREAS, Illinois data indicates a significant decline in the number of lead poisoned children younger than the age of 6 from 23.1 percent in 1996 to 1.8 percent in 2007; and
- WHEREAS, Illinois amended the Lead Poisoning Prevention Act in 2006, establishing new guidelines to further expand on lead poisoning prevention efforts in the state; and
- WHEREAS, Illinois is pleased to join with health care professionals, agencies and their delegates in observance of National Lead Poisoning Prevention Week, in an effort to increase awareness and promote prevention of lead poisoning in children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 19-25, 2008 as **CHILDHOOD LEAD POISONING PREVENTION WEEK** in

PROCLAMATIONS

Illinois and encourage all citizens to recognize the prevalence of lead poisoning in our society and to join in working toward eradicating this unfortunate and unnecessary condition.

Issued by the Governor September 25, 2008

Filed by the Secretary of State October 3, 2008.

2008-391**A Day of Remembrance of Eton R. Wilson**

WHEREAS, on Friday, September 19, 2008, Eton R. Wilson, longtime friend and confidante of Illinois Secretary of Human Services Dr. Carol L. Adams, died Saturday in the Charlotte, N.C. home of his daughter, Natalie; and

WHEREAS, Mr. Wilson was born in Panama on April 9, 1944. When he was young, his family moved to Boston, Massachusetts. Early in life his outstanding athletic abilities and penchant for competitive sports were evident to family and friends; and

WHEREAS, one of Boston's best prep school offensive backs, Wilson's academic and athletic achievements earned him full scholarship offers to some of the nation's most prestigious universities. Fisk University in Nashville wasn't among them, but Wilson his mind set on Fisk; and

WHEREAS, at Fisk, Wilson joined Kappa Alpha Psi Fraternity, Incorporated, and was named All State for his outstanding performance as an offensive back in Tennessee collegiate football; and

WHEREAS, after earning his B.S. degree in Health and Physical Education, Wilson pursued postgraduate studies at Tennessee State University where he received the M.A. degree in Health and Specialized Education. Later at Yale University, Wilson earned the Masters in Public Health; and

WHEREAS, early in his career Wilson worked in Nashville Public Schools, at the YMCA of North Nashville, and was Director of Student Activities at Fisk University. Wilson soon came to the attention of Cleveland State University in Ohio, where he spent six years as Assistant Director of the Career Services Center; and

WHEREAS, Wilson next was named Community Development Director of Cleveland's Epilepsy Foundation of America. At this post he supervised employment preparation and rehabilitation programs; and

PROCLAMATIONS

WHEREAS, eight years later, Wilson returned home to Boston where he held several positions in city government, including Deputy Director for the Mayor's Office of Public Service. He was also Vice President of Sales and marketing at S/J Apparel, a small entrepreneurial apparel business where, under his leadership, sales exceeded more than \$5 million in 1995; and

WHEREAS, Wilson later became Program Manager of The Jo-Jo White Growth and Development Program at Boston's Northeastern University where he directed academic and life skills training for junior and senior high school student-athletes; and

WHEREAS, Wilson also worked as Coordinator for Special Projects in the Office of Health Promotion, HIV/AIDS section, of the Illinois Department of Public Health in Chicago; and

WHEREAS, Wilson left behind a legacy that will resonate for many years to come, and he will be missed by all who had the opportunity to know him; and

WHEREAS, a memorial service for Wilson, who is survived by his daughter Natalie and son David, will be held Sunday, September 28:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 28, 2008 as **A DAY OF REMEMBRANCE OF ETON R. WILSON** in Illinois.

Issued by the Governor September 26, 2008

Filed by the Secretary of State October 3, 2008.

2008-392**Methamphetamine Awareness Day**

WHEREAS, the State of Illinois recognizes that methamphetamine is fundamentally different from other drugs regulated by the Illinois Controlled Substances Act because the harms relating to methamphetamine stem not only from the distribution and use of the drug, but also from the manufacture of the drug in this State; and

WHEREAS, methamphetamine is not only distributed and used but also manufactured in Illinois; the manufacture of methamphetamine is extremely and uniquely harmful, and the exposure to the manufacturing of methamphetamine has resulted in deaths or serious disabilities to many persons exposed to the manufacturing process; and

PROCLAMATIONS

WHEREAS, the manufacture and use of methamphetamine is a problem that affects the entire State, especially in rural areas and in small towns; and

WHEREAS, a statewide awareness campaign alerting the public to the dangers of methamphetamine may help to reduce the illegal manufacture, distribution, and use of this substance and result in increased arrests and prosecutions of methamphetamine violators:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 1, 2008 as **METHAMPHETAMINE AWARENESS DAY** in Illinois, and encourage the Department of State Police, the Department of Public Health, local law enforcement agencies, the State Board of Education, and local school districts to promote an educational campaign on that day warning the population of this State of the dangers of methamphetamine manufacture and use.

Issued by the Governor September 29, 2008

Filed by the Secretary of State October 3, 2008.

2008-393**Fire Prevention Week**

WHEREAS, the State of Illinois is committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,500 people in the United States in 2006, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to nearly 400,000 home fires; and

WHEREAS, cooking is the leading cause of home fires and home fire injuries, while heating equipment and smoking are the leading causes of home fire deaths; and

WHEREAS, Illinois' first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Illinois' residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

PROCLAMATIONS

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the 2008 Fire Prevention Week theme, "It's Fire Prevention Week – Prevent Home Fires!" effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week and year-round:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 5-11, 2008 as **FIRE PREVENTION WEEK** in Illinois, and I urge all the people of Illinois to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2008, and to support the many public safety activities and efforts of Illinois' fire and emergency services.

Issued by the Governor September 29, 2008

Filed by the Secretary of State October 3, 2008.

2008-394**Domestic Violence Awareness Month**

WHEREAS, domestic violence is a prevalent social problem in Illinois that not only negatively affects the victim, but also affects the victim's family, friends and community at large; and

WHEREAS, domestic violence knows no boundaries. It exists in all neighborhoods and cities, and it has no racial, economic, or social barriers; and

WHEREAS, in Illinois alone, there are approximately 115,000 to 125,000 domestic crimes each year; and

WHEREAS, the health-related costs of rape, physical assault, stalking, and homicide by intimate partners exceed \$5.8 billion every year, and the annual cost of lost productivity in the workplace due to domestic violence is estimated to be hundreds of millions of dollars, with nearly 8 million paid workdays lost per year; and

WHEREAS, on August 25, 2003 I signed the Victims' Economic Security and Safety Act – VESSA – into law. This law, which is enforced by the Illinois Department of Labor, makes Illinois one of only a handful of states with workplace protections specifically for victims of domestic or sexual violence. The law allows employees who are victims of domestic or sexual violence, or who have a family or household member who is a victim of domestic or sexual violence, up to 12

PROCLAMATIONS

workweeks of unpaid leave in any 12-month period to seek medical attention, legal advice and counseling; and

WHEREAS, the Illinois Department of Human Services is dedicated to ensuring that Illinois residents live free from domestic violence, promoting prevention, and working in partnership with communities to advance equality, dignity, and respect for all; and

WHEREAS, the Illinois Department of Human Services also funds 64 multi-service domestic violence programs throughout the state, offering counseling and advocacy, legal assistance, children's services, and shelter and support services at no cost to the victim; and

WHEREAS, last year the Illinois Department of Human Services expanded the City of Chicago's Domestic Violence Helpline, 1-877-TO END DV, to provide a toll-free, 24-hour, 7-days-a-week, multilingual, confidential service to all Illinois residents:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as **DOMESTIC VIOLENCE AWARENESS MONTH** in Illinois to raise awareness about the problem of domestic violence, and urge all victims to seek help by either calling a local helpline or visiting a local help center.

Issued by the Governor September 29, 2008

Filed by the Secretary of State October 3, 2008.

2008-395**Diversity Employment Day**

WHEREAS, a diverse workplace, where all employees are ensured equal opportunities for success, is an economic necessity; and

WHEREAS, the communities of Illinois look to do business with and support those organizations that best reflect their diversity; and

WHEREAS, the Diversity Employment Day Career Fair for Chicago and Illinois will bring together Illinois' major employers with thousands of qualified diversity professionals; and

WHEREAS, the Diversity Employment Day Career Fair will offer employment opportunities and career guidance for professionals in accounting, administration, healthcare, hardware and software engineering, finance, information technology, law

PROCLAMATIONS

enforcement, management, marketing, sales, network, data and telecommunications; and

WHEREAS, this annual event will feature a ribbon cutting ceremony that coincides with the presentation of the "Diversity Spirit Achievement Award" to three outstanding supporters of diversity in government, community, the corporate world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 14, 2008 as **DIVERSITY EMPLOYMENT DAY** in Illinois, and congratulate all participants for recognizing the business and social value in employing a diverse workforce.

Issued by the Governor September 29, 2008

Filed by the Secretary of State October 3, 2008.

2008-396**School Psychology Awareness Week**

WHEREAS, all children and youth learn best when they are healthy, supported and receive an education that meets their individualized needs; and

WHEREAS, schools can more effectively ensure that all students are ready and able to learn when they meet the needs of the whole child; and

WHEREAS, children's mental health is directly linked to their learning and development, and the learning environment provides an optimal context to promote good mental health; and

WHEREAS, sound psychological principles are integral to instruction and learning, social and emotional development, prevention and early intervention, and supporting culturally diverse student populations; and

WHEREAS, school psychology has over 60 years of well established, widely recognized, and highly effective practice, including being one of three substantive areas of psychological practice specified by the American Psychological Association; and

WHEREAS, school psychologists are specially trained to deliver a continuum of mental health services and academic supports that lower barriers to learning, enabling teachers to teach and students to learn; and

PROCLAMATIONS

WHEREAS, school psychologists facilitate collaboration to help parents and educators to identify and reduce risk factors, promote protective factors, create safe, caring schools, and access community resources; and

WHEREAS, school psychologists are trained to assess student and school-based barriers to learning, utilize data-based decision-making, implement research-driven prevention and intervention strategies, and evaluate outcomes and improve accountability; and

WHEREAS, the Illinois School Psychologists Association, an affiliate of the National Association of School Psychologists, is a not-for-profit professional association representing school psychologists in the State of Illinois. This year, they will recognize school psychologists in our state for their valuable service during the week of November 10-14:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 10-14, 2008 as **SCHOOL PSYCHOLOGY AWARENESS WEEK** in Illinois, in recognition of the vital role that school psychologists play in the personal and academic development of our state's children.

Issued by the Governor September 30, 2008
Filed by the Secretary of State October 3, 2008.

2008-397**International Credit Union Day**

WHEREAS, credit unions are not-for-profit financial cooperatives that unite people who are seeking ways to improve their futures; and

WHEREAS, credit unions call for the pooling of personal resources and leadership abilities for the good of the cooperative, encourage a regular habit of saving so those in need may borrow, and foster the desire to repay loans so members may have access to credit if and when they need it; and

WHEREAS, credit unions empower people to improve their economic situations in 96 nations around the world; and

WHEREAS, currently, there are more than 49,000 credit unions across the globe, serving the financial needs of 177 million members, including more than 3 million members in Illinois; and

PROCLAMATIONS

WHEREAS, credit unions are developing strong alliances that make financial democracy possible in numerous countries including Afghanistan, Kenya, Mexico, New Zealand, Ukraine, and throughout the rest of the world; and

WHEREAS, each year the Credit Union National Association, in cooperation with the World Council of Credit Unions, recognizes October 16 as International Credit Union Day to raise awareness about the work that credit unions are doing and to express appreciation to their members:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16, 2008 as **INTERNATIONAL CREDIT UNION DAY** in Illinois, and encourage all citizens to recognize the many contributions credit unions have made to the communities in this state through the years.

Issued by the Governor September 30, 2008

Filed by the Secretary of State October 3, 2008.

2008-398**Officer Nathaniel Taylor, Jr.**

WHEREAS, on Sunday, September 28, Chicago Police Officer Nathaniel Taylor, Jr. died at age 39 of wounds received in a shooting that occurred as he and several other officers served a search warrant; and

WHEREAS, Officer Taylor had served the Chicago Police Department for 14 years and was assigned to the Gang Intelligence Unit; and

WHEREAS, Officer Taylor was remembered by his peers as a gentle man, a stickler for safety who oversaw assignments and trained new recruits. Over the years, Officer Taylor moved from patrol to tactical duty and then to the Narcotics and Gang Investigation Section, making many arrests and earning awards and commendations along the way; and

WHEREAS, a funeral will be held on Friday, October 3 for Officer Taylor, who is survived by his wife and daughter:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on October 1, 2008 until sunset on October 3, 2008 in honor and remembrance of Officer Taylor, whose selfless service and sacrifice is an inspiration.

PROCLAMATIONS

Issued by the Governor October 1, 2008
Filed by the Secretary of State October 3, 2008.

2008-399**National Career Development Month**

WHEREAS, work has been called the finest expression of the human spirit; and

WHEREAS, given the thousands of occupations in Illinois' economy, planning a career can be formidable and experts agree that the ongoing process of career development is essential for all individuals to maximize their personal potential, as well as for the continued health of our economy; and

WHEREAS, career development is necessary for children as they expand their awareness of the world of work, for youth exploring educational and career options, and for adults faced with a workplace of challenge, change and the need for lifelong learning, it is clear that informed decision-making and planning are keys to career success; and

WHEREAS, to respond to the current economic situation, we must work with our schools and communities to provide the career development services needed by our citizenry; and

WHEREAS, this year, many organizations will sponsor activities during the month of November to support the celebration of National Career Development Month; and

WHEREAS, the goals of these institutions include informing the public about career development services and how to utilize them, publicizing where services are available, and building public understanding of the importance of career development:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2008 as **NATIONAL CAREER DEVELOPMENT MONTH** in Illinois, in recognition and support of these goals and in tribute to those professionals who provide career guidance, counseling, and development services in a variety of settings.

Issued by the Governor October 1, 2008
Filed by the Secretary of State October 3, 2008.

2008-400**Affordable Housing Month**

PROCLAMATIONS

WHEREAS, access to safe and affordable housing is one of the basic necessities of life; and

WHEREAS, foreclosures continue to rise in Illinois, nearly doubling between 2005 and 2007; workers struggle to afford the rent; seniors, people with disabilities, and others with limited incomes need affordable places to live; and there is a shortage of rental units for those with the lowest incomes and long waiting lists to access housing subsidies. These examples illustrate a housing affordability problem that often results in homelessness; and

WHEREAS, all citizens require stable and affordable housing in order to achieve individual and family success, and it is essential that we have a full range of quality housing options available and accessible to meet the needs of all income groups and special needs populations in communities across the state; and

WHEREAS, recognizing that housing is not just about bricks and mortar, it is crucial that grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies and others join forces to guide and promote affordable housing as fundamental to community and economic health; and

WHEREAS, the talents and efforts of grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies and others must be combined to address the challenge of ensuring that every person in Illinois has access to affordable housing:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2008 as **AFFORDABLE HOUSING MONTH** in Illinois, and encourage all citizens to recognize and appreciate the need for reasonably priced housing and its impact on our communities.

Issued by the Governor October 1, 2008

Filed by the Secretary of State October 3, 2008.

2008-401**Vive La Hispanidad Day**

WHEREAS, the International Latino Cultural Center of Chicago (ILCC) is a Pan-Latino, nonprofit multidisciplinary arts organization dedicated to developing, promoting and increasing awareness of Latino cultures by presenting a wide variety of art forms and education including film, music, dance, visual arts, comedy and theater; and

PROCLAMATIONS

WHEREAS, the Center prides itself on its outstanding multidisciplinary and multinational cultural programming, which spans Latin America, Spain, Portugal and Chicago; and

WHEREAS, each year the annual "Vive La Hispanidad" event, which serves as a closing celebration of Hispanic Heritage Month showcasing the best of Chicago's Latin culture, unites all Chicagoans to share the vibrancy and diversity of the Hispanic culture in our city, with the proceeds benefiting the International Latino Cultural Center of Chicago; and

WHEREAS, "Vive La Hispanidad" is supported by a stellar Honorary Committee and features a spectacular line up of live entertainment, art and literature exhibits, Latin cuisine representing Latin American countries and Spain as well as Chicago's very own Washburne Culinary Arts Institute; and

WHEREAS, this year, the 4th Annual "Vive La Hispanidad" event will be held on Friday, October 10 at the beautiful Galleria Marchetti Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 10, 2008 as **VIVE LA HISPANIDAD DAY** in Illinois in recognition of the Latino arts culture in Chicago and in support of the International Latino Cultural Center of Chicago.

Issued by the Governor October 1, 2008

Filed by the Secretary of State October 3, 2008.

2008-402**Dawn Harper Day**

WHEREAS, on August 19, 2008, Illinois native Dawn Harper won the gold medal in the 100-meter hurdles at the 2008 Olympic Games in Beijing, China; and

WHEREAS, on that day, Harper raced the best in the world and came out on top, finishing with a personal best time of 12.54 seconds; and

WHEREAS, while Harper grew up in Belleville, Illinois, it was in East St. Louis that she came to know the person who taught her she could negotiate any hurdle, not only those laid out on a 100-meter track; and

PROCLAMATIONS

WHEREAS, Harper was a young woman when she met her idol Jackie Joyner-Kersey, who had emerged from East St. Louis to be crowned an Olympic champion three times and a medalist six times; and

WHEREAS, Harper, a six-time state hurdles champion, was coached in high school by Nino Fennoy, who had also coached Joyner-Kersey. Like Joyner-Kersey, Harper saw track and field as her ticket to a good education and rewarding life; and

WHEREAS, Harper attended school at all three levels in East St. Louis and is a 2002 graduate of East St. Louis Senior High School, where she was remembered as a good student and an excellent athlete. In 2006, Harper graduated from the University of California, Los Angeles; and

WHEREAS, Harper's spectacular performance in the 2008 Olympics places her among Illinois' most celebrated athletes, while her accomplishments both on and off the track make her an excellent example of a homegrown role model; and

WHEREAS, a celebration in Harper's honor will be held in her hometown of East St. Louis on Monday, October 6, 2008, starting with a parade, and followed by a public gathering at the Clyde Jordan Stadium, and lunch in the Cafeteria of the High School:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 6, 2008 as **DAWN HARPER DAY** in Illinois in recognition of Ms. Harper's extraordinary athletic accomplishment.

Issued by the Governor October 1, 2008

Filed by the Secretary of State October 3, 2008.

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 32, Issue 42 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.

PROPOSED RULES

| | | |
|-----------|-------|-------|
| 89 - 312 | | 16656 |
| 35 - 1450 | | 16662 |
| 56 - 5200 | | 16672 |
| 56 - 2500 | | 16674 |
| 86 - 100 | | 16682 |
| 20 - 1905 | | 16704 |
| 20 - 1910 | | 16712 |
| 80 - 1650 | | 16750 |

ADOPTED RULES

| | | |
|-----------|----------------|-------|
| 32 - 322 | 10/6/2008..... | 16759 |
| 32 - 332 | 10/6/2008..... | 16765 |
| 89 - 104 | 10/6/2008..... | 16797 |
| 89 - 160 | 10/6/2008..... | 16805 |
| 41 - 200 | 10/1/2008..... | 16850 |
| 41 - 251 | 10/1/2008..... | 16860 |
| 86 - 1910 | 10/1/2008..... | 16864 |

PEREMPTORY RULES

| | | |
|----------|----------------|-------|
| 80 - 310 | 10/3/2008..... | 16872 |
| 89 - 121 | 10/1/2008..... | 16905 |

REQUEST FOR EXPEDITED CORRECTION

| | | |
|-----------|-------|-------|
| 56 - 2830 | | 16932 |
|-----------|-------|-------|

EXECUTIVE ORDERS AND PROCLAMATIONS

| | | |
|----------|----------------|-------|
| 08 - 390 | 9/25/2008..... | 16938 |
| 08 - 391 | 9/26/2008..... | 16939 |
| 08 - 392 | 9/29/2008..... | 16940 |
| 08 - 393 | 9/29/2008..... | 16941 |
| 08 - 394 | 9/29/2008..... | 16942 |
| 08 - 395 | 9/29/2008..... | 16943 |
| 08 - 396 | 9/30/2008..... | 16944 |
| 08 - 397 | 9/30/2008..... | 16945 |
| 08 - 398 | 10/1/2008..... | 16946 |
| 08 - 399 | 10/1/2008..... | 16947 |
| 08 - 400 | 10/1/2008..... | 16947 |
| 08 - 401 | 10/1/2008..... | 16948 |
| 08 - 402 | 10/1/2008..... | 16949 |

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

| | | |
|--------|-------|-------|
| 23 - 1 | | 16935 |
|--------|-------|-------|

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