

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
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19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
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22	May 16, 2011	May 27, 2011
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33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
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42	October 3, 2011	October 14, 2011
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45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 17, 2011 to January 3, 2012.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 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 2011

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

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SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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120.217	Supplemental Payments (Repealed)
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120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing the federal Deficit Reduction Act of 2005.

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum

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NOTICE OF PROPOSED AMENDMENT

of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116,

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effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; preemptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended

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at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012; amended at 36 Ill. Reg. _____, effective _____.

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section 120.80 Recipient Restriction Program

- a) The Recipient Restriction Program (RRP) shall identify recipients who unnecessarily utilize medical services. When the Department determines, on the basis of statistical norms and the medical judgment of individual practitionersphysicians and/or pharmacistspharmacologists, that a Medicaid recipient has received medical services that are not medically necessary based on the recipient's diagnoses and/or medical condition or conditions or in such a manner as to constitute an abuse of medical privileges, the decision to restrict a recipient to one or more primary provider typesa Primary Care Provider and/or Primary Care Pharmacy will be made. For purposes of this Section, "primary provider type" means a primary care provider, primary care pharmacy, primary care dentist, primary care podiatrist, or primary durable medical equipment provider. RRP applies to all medical assistance programs administered by the Department, with the exception of full risk Managed Care Organizations (MCO).
- b) Primary and Secondary Sources of Recipient Identification
 - 1) The primary source of recipient identification shall be the Surveillance and Utilization Review Subsystem (SURS) of the Medicaid Management Information System (MMIS). On an ongoing-a quarterly basis, SURS analyzes the entire Medicaid population, determines medical usage per recipient and will identify recipients with usages in excess of the quarterly established norm of recipients in the same category of assistance and like demographic areas.

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- 2) Secondary sources of identification shall be incoming referrals, such as referrals from medical providers, law enforcement officials or members of the general public. All referrals shall be reviewed and analyzed. Recipients found to have loaned or altered their medical cards for the purpose of obtaining medical benefits for which they or other persons are not legitimately entitled; falsely represented medical coverage; found in possession of blank or forged prescription pads; or who knowingly assisted providers in rendering excessive services or defrauding the Medical Assistance Program shall be restricted.
- c) Once a recipient is identified, medical usage based on diagnoses and/or medical condition for the ~~nine months~~ preceding ~~months~~identification shall be reviewed. Medical Assistance Consultants ~~and~~; licensed ~~individual practitioners~~physicians and/or ~~pharmacists~~pharmacologists will determine if the recipient should be restricted due to the medical services received being not medically necessary. The Department shall initially designate, without regard to choice, a ~~primary provider type or types (type)~~Primary Care Provider and/or Primary Care Pharmacy. The Department's designation shall remain in effect for the entire period of the restriction unless the recipient changes this designation pursuant to subsection (f) of this Section. Each recipient to be restricted will be notified in writing. This notice will also contain a statement relating to the medical necessity of services consistent with the findings of the professional consultants; a statement advising the recipient of his or her right to appeal; and a toll-free number to call for information.
- d) Department Designated Primary ~~Provider Type~~Care Provider and/or Primary Care Pharmacy
- 1) The Department will select ~~the applicable primary provider type~~one provider and/or one pharmacy in reasonable geographical proximity to the recipient's home to serve as the recipient's ~~primary provider type~~Primary Care Provider and/or Primary Care Pharmacy.
 - 2) The primary provider type must be a properly enrolled Medicaid provider in good standing with the Department, properly licensed and credentialed and willing to serve as a primary provider type. The primary care physician shall be a medical doctor or doctor of osteopathy, licensed to practice medicine in all its branches, or a clinic enrolled to provide primary care; a properly registered Medicaid provider in good standing with the

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~~Department per the physician registration; enrolled to provide physician services with the Department; and willing to serve as the primary care provider.~~

3) If a primary care provider is selected as the primary provider type, he or she shall be a medical doctor or doctor of osteopathy licensed to practice medicine in all of its branches or a clinic enrolled to provide primary care.

e) Types of Services Provided or Authorized

1) Once restricted, the Recipient Eligibility Verification (REV) system shall display information regarding the primary provider type. ~~Primary Care Provider and/or Primary Care Pharmacy.~~ REV will also display information that emergency services will not be restricted.

2) If restricted to a primary care provider, the primary care provider ~~Primary Care Provider, the Primary Care Provider~~ must provide or authorize the following non-emergency ambulatory care services for the restricted recipient before the Department will render payment for the services:

- A) Clinic
- B) Laboratory
- C) Outpatient Hospital
- D) Pharmacy
- E) Physician

32) If restricted to a primary care pharmacy, the primary care pharmacy ~~The Primary Care Pharmacy~~ must supply all prescriptions for the restricted recipient. Authorization to obtain non-emergency prescriptions from any other source will only be approved ~~in such instances~~ when a specific item is not part of the primary care pharmacy's ~~Primary Care Pharmacy's~~ inventory and cannot be acquired through the primary care pharmacy ~~Primary Care Pharmacy~~.

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- 4) If restricted to a primary care dentist, the primary care dentist must provide or authorize all dental services for the restricted recipient before the Department will render payment for the dental services.
 - 5) If restricted to a primary care podiatrist, the primary care podiatrist must provide or authorize all podiatric services for the restricted recipient before the Department will render payment for the podiatric services.
 - 6) If restricted to a primary durable medical equipment provider, the primary durable medical equipment provider must supply all medical supplies for the restricted recipient. Authorization to obtain medical supplies from any other source will only be approved when a specific item is not part of the primary durable medical equipment provider's inventory and cannot be acquired through the primary durable medical equipment provider.
 - 7) Other covered services may be provided by a qualified provider in the Department's Medical Program.
- f) Changing the Designated Primary Provider Type~~Primary Care Provider and/or Primary Care Pharmacy~~
- 1) The recipient may change the Department's initial designation of a primary provider type~~Primary Care Provider or Primary Care Pharmacy~~ once without cause. The request for change must be submitted to the Department in writing. The Department, by notice, shall inform the recipient how to request a change in primary provider type~~Primary Care Provider or Primary Care Pharmacy~~.
 - 2) The recipient may change his or her designated provider for cause if one of the following circumstances is verified:
 - A) Change of recipient's residence from the geographical~~geographic~~ area of the primary provider type~~Primary Care Provider or Primary Care Pharmacy~~;
 - B) Change in the recipient's medical condition that~~which~~ the primary provider type~~Primary Care Provider~~ is unable to treat or refer to another provider;

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- C) Death of the ~~primary provider type~~ Primary Care Provider;
 - D) Disenrollment of the ~~primary provider type~~ Primary Care Provider ~~and/or Primary Care Pharmacy~~ from the Medical Assistance Program; and
 - E) Notice from the ~~primary provider type~~ Primary Care Provider ~~and/or Primary Care Pharmacy~~ that ~~he, she or it~~ they will no longer serve as the ~~primary provider type~~ Primary Care Provider.
- 3) The Department will notify the recipient in writing if the ~~primary provider type~~ Primary Care Provider ~~and/or Primary Care Pharmacy~~ has disenrolled as a provider of Medicaid services or if the provider notifies the Department of ~~his, her or its~~ their unwillingness to continue to serve as the recipient's ~~primary provider type~~ Primary Care Provider.
 - 4) Changes in designated ~~primary provider type~~ Primary Care Provider ~~and/or Primary Care Pharmacy~~ shall be processed effective with the earliest possible date reflected on the eligibility file.
 - 5) For the ~~designated primary provider type~~ provider or pharmacy, the Department will determine if the requested change meets the criteria in subsection (d) of this Section.
- g) Length of Restriction
- 1) Once recipients are restricted they remain in restriction for a minimum of four full quarters. If restricted recipients transfer to a different assistance unit, the restriction will be processed to follow the recipient. If a restricted recipient becomes inactive and is subsequently reactivated, the restriction will be reactivated until such time as four full quarters have elapsed.
 - 2) Reevaluation of the Recipient's Medical Usage
 - A) When a recipient has had his or her medical card restricted for four full quarters, the Department shall reevaluate the recipient's medical usage to determine whether the recipient continues to receive medical services that are not medically necessary. The Department shall evaluate each case not later than eighteen months

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after the effective date of restriction. If the recipient is still receiving medical services that are not medically necessary, the restriction shall be continued for an additional period of eight full quarters. This additional period of eight full quarters shall begin with the first month immediately following the end of the first four full quarter restriction period. If the recipient no longer is receiving medical services that are not medically necessary, the restriction shall be discontinued. A "quarter", for purposes of this Section, shall be defined as one of the following three-month periods of time: January-March, April-June, July-September or October-December.

- B) If necessary to determine if medical services that are not medically necessary are still being received, the Department shall obtain a complete copy of the recipient's medical record from the primary provider type~~Primary Care Provider~~. The medical record will be reviewed by the Medical Assistant Consultant with a final determination by a licensed individual practitioner~~physician and/or pharmacist~~ to determine if the medical services received were medically necessary.
- C) If the decision is to release the recipient from restriction, such release will be processed effective with the earliest possible date reflected on the eligibility file.
- D) If the services are determined to be medically unnecessary, the recipient will be notified in writing of the continued restriction. The Department may designate a different individual provider type~~Primary Care Physician and/or Primary Care Pharmacy~~. The criteria in subsection (d) of this Section shall apply. This notice will also contain a statement relating to the medical necessity of services consistent with the findings of the professional consultants; a statement advising the recipient of his or her right to appeal; and a toll-free number to call for information.
- 3) If the restriction is continued, a review will be conducted in accordance with subsection (g)(2) of this Section, subsequent to the additional eight quarter period.

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- 4) A recipient who has been restricted under this Section, is released and then is restricted under this Section a subsequent time, shall be restricted for a period of eight full quarters. Subsequent to this eight quarter period, a review will be conducted in accordance with subsection (g)(2) of this Section.
- h) Recipients have the right to appeal inclusion in the program. (See 89 Ill. Adm. Code 102.80 through 102.84.)
- i) Any recipient in the RRP who is enrolled in a full risk MCO will be released from the RRP. is not permitted to enroll in a Managed Care Organization (MCO).
- j) ~~Any recipient designated by the Department for restriction in the RRP who is, at that time, enrolled in an MCO will be disenrolled from the MCO upon the RRP designation.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Accounting Principles and Procedures
- 2) Code Citation: 74 Ill. Adm. Code 245
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
245.400	Repeal
245.401	Amend
245.402	Amend
245.403	Repeal
- 4) Statutory Authority: Authorized by Section 21 of the State Comptroller Act [15 ILCS 405/21]. Implementing Section 7 of the State Comptroller Act [15 ILCS 405/7]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments update statutory citations and the uniform accounting system to be used by each State agency when reporting or accounting for transactions involving public funds.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking rulemakings contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking will not impact small businesses, small municipalities, and not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: State agencies currently comply with the contract filing requirements.
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The Comptroller did not anticipate the filing of this rulemaking for submittal on either of the two most recent regulatory agendas.

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

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLERPART 245
ACCOUNTING PRINCIPLES AND PROCEDURES

Section

245.400	Statutory Authority (<u>Repealed</u>)
245.401	<u>Comptroller's Accounting Principles Implementation</u>
245.402	<u>SAMS Manual Publication</u>
245.403	Changes (<u>Repealed</u>)

AUTHORITY: Implementing Section 7 and authorized by Section 21 of the State Comptroller Act [15 ILCS 405/7 and 21].

SOURCE: Rules of the Comptroller Adopted Pursuant to the State Comptroller Act, effective December 5, 1974; codified at 5 Ill. Reg. 10605; amended at 36 Ill. Reg. _____, effective _____.

Section 245.400 Statutory Authority (Repealed)

~~These rules are promulgated to implement the powers of the Comptroller under Section 7 of the State Comptroller Act (Ill. Rev. Stat., 1979, ch. 15, par. 207).~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 245.401 Comptroller's Accounting Principles Implementation

Each ~~State state~~ agency, as defined in the State Comptroller Act [15 ILCS 405], shall use, implement and comply with the accounting principles and procedures promulgated by the Comptroller ~~when, whenever~~ reporting or accounting for any transaction involving public funds. These accounting principles and procedures shall constitute an integral part of the uniform accounting system prescribed by law.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 245.402 SAMS Manual Publication

a) The accounting principles and procedures promulgated by the Comptroller are

OFFICE OF THE COMPTROLLER

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~~shall be~~ provided to each ~~State state~~ agency in the form of a Comptroller's Statewide Accounting Management System (SAMS) Manual. ~~Uniform Statewide Accounting System (CUSAS) Manual, prior to the implementation date of the uniform accounting system.~~

- b) Changes may be made in the SAMS Manual in the same manner as changes may be made to the Comptroller's Rules under Section 7 of the State Comptroller Act.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 245.403 Changes (Repealed)

~~After the implementation date of the uniform accounting system, changes may be made in the CUSAS Manual in the same manner as changes may be made to the Comptroller's Rules, as prescribed in Section 7 of the State Comptroller Act.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

OFFICE OF THE COMPTROLLER

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- 1) Heading of the Part: Contract Filing Requirements
- 2) Code Citation: 74 Ill. Adm. Code 255
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
255.600	Amend
255.601	Amend
255.602	Amend
255.603	Amend
- 4) Statutory Authority: Authorized by Section 21 of the State Comptroller Act [15 ILCS 405/21] and Section 1-30 of the Illinois Procurement Code [30 ILCS 500/1-30]. Implementing Section 7 of the State Comptroller Act [15 ILCS 405/7] and Section 20-80 of the Illinois Procurement Code [30 ILCS 500/20-80]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments reflect the current authority under which the Comptroller may require the filing of contracts.
- 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.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Alissa J. Camp
General Counsel
Office of the Comptroller

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking will not impact small businesses, small municipalities and not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: State agencies currently comply with the contract filing requirements.
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The Comptroller did not anticipate the filing of this rulemaking for submittal on either of the two most recent regulatory agendas.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLERPART 255
CONTRACT FILING REQUIREMENTS

Section	
255.600	Statutory Authority
255.601	Application
255.602	Filing
255.603	Payment

AUTHORITY: Implementing Sections 7 and 9 of the State Comptroller Act [15 ILCS 405/7 and 9] and Section 20-80 of the Illinois Procurement Code [30 ILCS 500/20-80] and authorized by Section 21 of the State Comptroller Act [15 ILCS 405/21] and Section 1-30 of the Illinois Procurement Code [30 ILCS 500/1-30].

SOURCE: Rules of the Comptroller Adopted Pursuant to the State Comptroller Act, effective December 5, 1974; codified at 5 Ill. Reg. 10608; amended at 36 Ill. Reg. _____, effective _____.

Section 255.600 Statutory Authority

~~This Part is~~~~These rules are~~ promulgated to implement the powers of the Comptroller under ~~Sections 7 and 9~~~~Sections 11 and 15~~ of the State Comptroller Act [15 ILCS 405] and ~~Section 20-80 of the Illinois Procurement Code [30 ILCS 500]~~~~(Ill. Rev. Stat., 1979, ch. 15, pars. 211 and 215).~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 255.601 Application

The filing requirements imposed by ~~Section 20-80 of the Illinois Procurement Code and the Comptroller's Statewide Accounting Management System (SAMS) Manual established in accordance with Section 7 of the State Comptroller Act~~~~Sections 11 and 15 of the State Comptroller Act and Section 9 of "An Act in relation to state finance" (Ill. Rev. Stat. 1979, ch. 127, par. 137 et seq.)~~ are applicable to all ~~State~~~~state~~ agencies as defined in the State Comptroller Act, whether or not the ~~State~~~~state~~ agency participates in transactions involving funds held by the State Treasurer.

OFFICE OF THE COMPTROLLER

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(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 255.602 Filing

Any document ~~that~~^{which} is required to be filed with the Comptroller under Section 20-80 of the Illinois Procurement Code and the SAMS Manual Sections 11 and 15 of the State Comptroller Act or Section 9 of "An Act in relation to state finance" will be considered ~~filed~~^{filed} when ~~that document is~~ physically received at the Office of the Comptroller.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 255.603 Payment

Whenever Section 20-80 of the Illinois Procurement Code or the SAMS Manual Section 11 or Section 15 of the State Comptroller Act or Section 9 of "An Act in relation to state finance" requires that a contract, lease, or other evidence of liability be filed with the Comptroller, and ~~the~~^{such} contract, lease, or other evidence has not been filed, the Comptroller ~~will~~^{shall} refuse to issue any warrant for payment under that contract, lease or other evidence of liability~~thereunder~~.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: State Comptroller Minority Contractor Opportunity Initiative
- 2) Code Citation: 74 Ill. Adm. Code 340
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
340.100	New Section
340.200	New Section
340.300	New Section
- 4) Statutory Authority: Implementing Section 23.9 of the State Comptroller Act [15 ILCS 405/23.9] and authorized by the Section 21 of the State Comptroller Act [15 ILCS 405/21]
- 5) A Complete Description of the Subjects and Issues Involved: The rules implement the accounting procedures necessary for administration of the Minority Contractor Opportunity Initiative created pursuant to Section 23.9 of the State Comptroller Act [15 ILCS 405/23.9].
- 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: To implement changes made by PA 97-590 that created Section 23.9 of the State Comptroller Act. These rules are intended to clarify the accounting methods to be used by the Comptroller in the implementation of the new Minority Contractor Opportunity Initiative.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Alissa J. Camp
General Counsel

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: State vendors
 - 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: None. The Comptroller was not aware that a rulemaking would be necessary when the last two regulatory agendas were published.

The text of the Proposed Rules begins on the next page.

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLER

PART 340

STATE COMPTROLLER MINORITY CONTRACTOR OPPORTUNITY INITIATIVE

Section

340.100	Definition
340.200	Filing of Contracts; Fees
340.300	Administrative Fee

AUTHORITY: Implementing Section 23.9 and authorized by Section 21 of the State Comptroller Act [15 ILCS 405/23.9 and 21].

SOURCE: Adopted at 36 Ill. Reg. _____, effective _____.

Section 340.100 Definitions

"Administrative fee" is the fee the State Comptroller is required to collect from qualifying contracts under Section 23.9 of the State Comptroller Act [15 ILCS 405].

"Code" is the Illinois Procurement Code [30 ILCS 500].

"Qualifying contract" is a contract of \$1,000 or more, filed with the State Comptroller, that was procured according to Section 20-10, 20-15, 20-25 or 20-30 of the Code. Qualifying contracts include, but are not limited to:

competitive sealed bids, sole source procurements, and emergency purchases of supplies and services awarded under Sections 20-10, 20-25 and 20-30 of the Code; and

competitive sealed bids, sole source procurements, and emergency purchases of construction and construction-related professional services awarded under Sections 20-10, 20-25 and 20-30 of the Code.

"SAMS" is the Statewide Accounting Management System that reflects the Comptroller's Uniform Accounting principles and procedures (see 74 Ill. Adm. Code 245).

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

"SAMS Procedures" are the procedures contained in the State Comptroller's Statewide Accounting Management System (SAMS) Manual.

"State Comptroller" is the Illinois Office of the Comptroller.

"Vendor" is any bidder or offeror awarded a contract of \$1,000 or more under Section 20-10, 20-15, 20-25 or 20-30 of the Code.

Section 340.200 Filing of Contracts; Fees

- a) An administrative fee of \$15 shall be collected from all qualifying contracts required to be filed with the State Comptroller under SAMS Procedure 15.10.40, or as otherwise prescribed by law.
- b) A contract is considered filed when the filing requirements contained in SAMS Procedure 15.10.40 have been met.

Section 340.300 Administrative Fee

- a) The State Comptroller shall collect the administrative fee from the first warrant issued under a qualifying contract from which collection is technically and administratively feasible.
- b) If collection is infeasible from any particular warrant, the administrative fee shall subsequently be collected from the first warrant issued under the qualifying contract for which collection is feasible. Circumstances of infeasibility include:
 - 1) temporary limitations on the State Comptroller's operating capability, including, but not limited to, limitations of system designs, maintenance and upgrades; or
 - 2) the amount payable on the warrant, prior to collection of the administrative fee, is less than \$25.
- c) If any vendor awarded a qualifying contract determines that the collection of the administrative fee from the first or subsequent warrant issued under that qualifying contract will place an undue hardship on the accounting practices of

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that vendor, the vendor may petition the State Comptroller, in writing, to be billed separately for the \$15 administrative fee.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Animal Disease Laboratories Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3) Section Number: 110.90 Adopted Action:
Amendment
- 4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]
- 5) Effective Date of Amendment: January 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 17, 2011; 35 Ill. Reg. 8905
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: To charge fees for testing required by Illinois law or by other animal disease programs.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds

DEPARTMENT OF AGRICULTURE

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Springfield, Illinois 62794-9281

Telephone: 217/785-5713

Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DISEASE LABORATORIES ACT

Section

110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees
110.140	Liquor Control Commission Fees (Repealed)

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606,

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effective November 1, 2000; amended at 26 Ill. Reg. 105, effective January 1, 2002; amended at 28 Ill. Reg. 2104, effective February 1, 2004; amended at 30 Ill. Reg. 10080, effective May 22, 2006; amended at 34 Ill. Reg. 19439, effective January 1, 2011; amended at 35 Ill. Reg. 19768, effective January 1, 2011.

Section 110.90 Microbiology Fees

The following are the fees for microbiology (per sample or pool unless otherwise specified):

- a) Bacteriology, Mycoplasma and Fungi
 - 1) Aerobic or anaerobic culture without sensitivity testing 15.00 C, G
 - 2) Antibiotic sensitivity (per isolate). 10.00 C, G
 - 3) Milk samples for mastitis evaluation per sample 4.00 C, G
 - 4) Leptospirosis culture per specimen 20.00 G
 - 5) Fluorescent Antibody Test (FA)..... 15.00 C, G
 - 6) Campylobacter (culture)..... 15.00 C, G
 - 7) Salmonella (enrichment media, per site or pool)..... 10.00 C, G
 - Salmonella, poultry-house drag swabs 45.00 G
 - [Salmonella enteritidis Test, Poultry](#) [20.00](#) [G](#)
 - 8) Hemophilus (culture)..... 8.00 C
 - 9) Bordetella culture 10.00 C, G
 - 10) Listeria (cold enrichment) 10.00 C, G
 - 11) Brachyspira (Swine Dysentery)..... 12.50 C, G
 - 12) Johne's (MAP) 15.00 C, G

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13)	Return culture for bacterin production per organism (plus shipping).....	4.00 C, G
14)	Mycology Culture.....	10.00 C, G
15)	Microscopic examination (brightfield, darkfield, outside normal procedures)	6.00 C, G
	Microscopic examination, acid-fast-stained smears.....	7.00 C, G
16)	Mycoplasma Culture	12.00 C, G
17)	Trichomonas transport media	actual C, G cost plus shipping
18)	PCR testing.....	35.00 G
19)	Clostridium difficile toxin ELISA (per sample or pool).....	30.00 C, G

b) Food safety microbiology

1)	Culture, antibiotic residue growth inhibition.....	12.00 <u>28.70</u> C
2)	Culture, bacterial, aerobic, quantitative.....	12.50 <u>25.20</u> C
3)	Culture, bacterial, aerobic, quantitative, E. coli	12.50 <u>25.20</u> C
4)	Culture, bacterial, anaerobic quantitative	12.50 <u>25.20</u> C
5)	Culture, bacterial, Escherichia coli O157.....	12.50 <u>25.20</u> C
6)	Enzyme-linked FA test, Escherichia coli O157	12.50 <u>60.00</u> C

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7)	Enzyme-linked FA test, Listeria.....	42.70	C
		12.50	
8)	Enzyme-linked FA test, Salmonella (HACCP).....	46.05	C
		12.50	
9)	Enzyme-linked FA test, staphylococcus enterotoxins	49.70	
		12.50	C
<u>10)</u>	<u>Ready To Eat (RTE) products – 325 gm sample.....</u>	<u>83.30</u>	<u>C</u>

c) Water safety microbiology

1)	Water Potability Test – Municipal – Total & Fecal coliform (includes new construction)	16.00	
2)	Water Potability Test – Private – Nitrate, coliform, Enterococcus, Fecal coliform.....	16.00	C
3)	Water Bacterial ID Potability – Nitrate, coliform, Enterococcus, Fecal coliform and Bacti ID	20.00	C
4)	Culture, aerobic quantitative, Enterococcus.....	7.00	C
5)	Culture, aerobic, quantitative, Total coliforms	7.00	C
6)	Standard Plate Count.....	10.00	C
7)	Culture, bacterial, aerobic, quantitative, E. coli	7.00	C
8)	Culture, bacterial, denitrifying bacteria, quantitative.....	13.00	C
9)	Culture, bacterial, iron-reducing bacteria, quantitative	13.00	C
10)	Culture, bacterial, nitrifying bacteria, quantitative	13.00	C
11)	Culture, bacterial, sulfate-reducing bacteria, quantitative	13.00	C
12)	Culture, viable Helminth ova	7.00	C

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13)	Free chlorine or total chlorine, colorimetric.....	7.00	C
14)	Microscopic exam	6.00	C
15)	Nitrate, colorimetric	7.00	C
d)	Bacterial serology		
1)	Brucella abortus (BAPA, card, std plate).....	.50	C, G, S
2)	Brucella abortus (std tube).....	.50	C, G
3)	Brucella canis card test	15.00	C, G
4)	Brucella abortus RAP	N/C	G
5)	Brucella abortus rivanol.....	N/C	C, G
6)	Brucella abortus (BAPA, card, std plate: out-of-state).....	1.00	C, G, S
7)	Brucella abortus (species other than bovine, porcine and canine).....	1.00	C, G, S
8)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) companion animals.....	24.00	C
9)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) livestock (ruminants, swine)	12.00	C
10)	Mycoplasma hypopneumoniae	4.00	G
11)	Mycoplasma synoviae, M. gallisepticum, M. meleagridis (not done separately).....	2.00	G
12)	Salmonella typhimurium.....	1.00	G
13)	Salmonella pullorum.....	1.00	G
e)	Virology		

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1)	Electron Microscopy – fecal.....	20.00	G
2)	Pseudorabies Serology (AutoLex or ELISA)	1.00	C, G
	Pseudorabies Serology Out-of-State.....	3.00	C, G
	Pseudorabies Serology end titer	3.00	C
	Pseudorabies Serology (request for screen at dilution of 1:2, SN).....	3.00	C
	Pseudorabies (Latex)	3.00	C
3)	Fluorescent Antibody Test.....	15.00	C, G
4)	Rabies	15.00	C, G
5)	Disposal for rabies suspect carcass.....	.50 per pound	C, G
6)	Virus Isolation (per virus)	25.00	C, G
7)	Unlisted Viral Serology (each disease) per sample	5.00	C, G
8)	Feline SNAP Triple (Heartworm, FeLV, FIV).....	25.00	C
9)	Feline Infectious Peritonitis (F.I.P. cELISA)	22.00	C
10)	Canine parvovirus SNAP fecal.....	12.00	C
11)	PRRS (1:20, IFA)	4.00	C, G
	PRRS ELISA	6.00	C, G
	PRRS PCR.....	35.00	G
	PRRS IFA US strain.....	8.00	G
	PRRS IFA, Lelystad	8.00	G
	Swine influenza virus ELISA (per serotype)	8.00	

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12)	Bovine virus diarrhea (BVD P1) immunohistochemistry (formalin fixed ear notches)	3.50	C, G	
	Bovine virus diarrhea (BVD PI) Antigen Capture ELISA (serum or fresh ear notches)	5.00	C	
13)	TGE/PRCV Differential ELISA (per specimen)	6.00	C, G	
14)	RT-PCR Testing	35.00	G	
f)	Miscellaneous serology			
1)	EIA-AGID.....	15.00 8.00	C, S	
	EIA-ELISA	20.00 10.00	C, S	
2)	Bluetongue (AGID or ELISA).....	3.50	C	
3)	Bovine leukemia virus (BLV-AGID)	5.00	C	
	Bovine leukemia virus (BLV-ELISA)	5.00	C	
4)	Vesicular stomatitis.....	5.00	C	
5)	Johne's ELISA.....	5.00	C	
6)	Johne's ELISA goats	6.00	C	
7)	Ovine Progressive Pneumonia (OPP) AGID	5.00	C	
8)	Caprine Arthritis Encephalitis (CAE AGID).....	5.00	C	
	Caprine Arthritis Encephalitis (CAE ELISA).....	6.00	C	
9)	Serology Spin Charge (per specimen)	1.00	C, G	
10)	Anaplasmosis ELISA.....	7.00	C	
11)	Blastomycosis AGID	10.00	C	
12)	Neospora ELISA.....	7.00	C	

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- | | | | |
|-----|---|-------|---|
| 13) | IgG levels (Bovine, Equine, Camelids) | 12.00 | C |
| 14) | Enzootic Hemorrhagic Disease of deer (EHD AGID) | 3.00 | C |

(Source: Amended at 35 Ill. Reg. 19768, effective January 1, 2011)

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.117 Adopted Action:
New Section
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and PA 96-1088
- 5) Effective Date of Amendment: December 5, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: June 10, 2011; 35 Ill. Reg. 8754
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking is the result of Public Act 96-1088, the Farmers' Market Technology Improvement Program Act. The purpose of this program is to increase access to fresh fruits and vegetables and other LINK eligible food products, including quality meat and dairy, for all Illinois residents by allowing LINK program participants to redeem their SNAP benefits at farmers' markets. This program will give eligible farmers' markets the ability to process Illinois LINK card transactions

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that may lead to an increase in sales due to a broader customer base. This rulemaking establishes that, as funds for the program become available, the Illinois Department of Human Services (IDHS) together with the Illinois Department of Agriculture (IDOA) will allow farmers' markets to apply for grants. It also provides the guidelines for use of the grant funds.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

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

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

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 Periods 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

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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 Roomers or Boarders
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	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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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 SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
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
121.117	Farmers' Market Technology Improvement Program
121.120	Redetermination of Eligibility
121.125	Simplified Reporting Redeterminations
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
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

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

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

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

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

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; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory 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; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory 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; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory 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; preemptory 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

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, 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;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective 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; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory 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

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective 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; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; peremptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011.

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.117 Farmers' Market Technology Improvement Program

- a) A Farmers' Market is a nontraditional fresh food market where farmers or growers sell a variety of fresh fruits and vegetables and other locally-grown farm products directly to consumers.
- b) The Farmers' Market Technology Improvement Program is designed to increase access to fresh fruits and vegetables and other Supplemental Nutrition Assistance Program (SNAP) eligible food products by allowing Illinois Link (EBT) program recipients to use SNAP or cash program benefits at farmer's markets.
- c) As funds for the program become available, the Illinois Department of Human Services (DHS) together with the Illinois Department of Agriculture (DOA) will allow Farmers' Markets to apply for grants. To qualify for this program, a Farmers' Market must be licensed by the United States Department of Agriculture's Food and Nutrition Service to accept SNAP benefits and must be operating in Illinois. Grant funds must be used for one or more of the following purposes:

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- 1) Purchase or rental of wireless point of sale terminals capable of processing SNAP benefits disbursed through the Illinois LINK (EBT) program;
 - 2) Monthly or transaction fees associated with Illinois Link card transactions;
and
 - 3) Outreach to Illinois Link program participants.
- d) Funds may not be used for fees related to credit or debit transactions.
- e) When funds are available, information and due dates for application may be found on the DHS website at www.dhs.state.il.us or the DOA website at www.agr.state.il.us.

(Source: Added at 35 Ill. Reg. 19778, effective December 5, 2011)

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- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Numbers: 201.175 Adopted Action: New
- 4) Statutory Authority: Implementing Sections 9.14, 10, 39, and 39.5 and authorized by Sections 9.14 and 27 of the Environmental Protection Act (Act) [415 ILCS 5/9.14, 10, 27, 39, and 39.5]
- 5) Effective Date of Amendment: December 5, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 2, 2011; 35 Ill. Reg. 14616
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version:

In proceeding from its original proposal for public comment to final adoption, the Board has responded to questions and comments by incorporating a number of changes. Generally, the Board has adopted the amended proposal for Registration of Smaller Sources (ROSS) submitted by the Illinois Environmental Protection Agency (Agency) to the Board on November 16, 2011. The Board has adopted amendments including the following:

In subsection 201.175(a), the Board amended the phrase "may register with the Agency" to "shall register with the Agency" to reflect the language of Section 9.14 of the Act. The Board also clarified that ROSS sources are not required either to obtain construction or operating permits or to comply with a permit issued under Section 201.169. The Board also added language stating that "[t]he owner and operator of a ROSS source are still

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subject to all applicable environmental statutes and regulations." Finally, the Board added a subsection (a)(3) making sources subject to local siting under Section 39.2 of the Act ineligible for ROSS.

In subsection 201.175(b), the Board adopted language allowing sources to determine eligibility on the basis of calendar year emissions. The Board also adopted revisions allowing sources to determine continued eligibility on the basis of either calculating emissions or verifying that they meet eligibility criteria.

In subsection 201.175(c), the Board adopted language clarifying applicability and aligning payment of fees with amended registration deadlines.

In subsection 201.175(d), the Board adopted revised language establishing deadlines for registration and payment of fees.

In subsection 201.175(e), the Board amended language to clarify sources' recordkeeping obligations.

In subsection 210.175(g), the Board effectively adopted the Agency's re-drafted proposal, which addresses source becoming ineligible for ROSS and clarifies their permitting requirements.

In subsection 201.175(h), the Board amended the phrase "may register with the Agency" to "shall register with the Agency" to reflect the language of Section 9.14 of the Act.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: For a more detailed description of this rulemaking, please see the Board's December 1, 2011 opinion and order adopting these rules. Registration of Smaller Sources (ROSS): New 35 Ill. Adm. Code 201.175, R12-10 (Dec. 1, 2011).

The Agency filed its original proposal under the authority of Section 9.14 of the Act, which requires it to propose regulations implementing ROSS. The Agency stated that it

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dedicates significant resources to permitting and processing reports from "a large number of small sources whose aggregate emissions are small in comparison to the emissions from a small number of large sources." The Agency developed ROSS, which "eliminates the need for around 3,250 smaller sources to obtain and hold a permit yet will allow the Agency to maintain a robust database of emissions sources in the state."

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

Timothy J. Fox
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6085
foxt@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R12-10 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

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

SUBPART B: GENERAL PROVISIONS

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

SUBPART C: PROHIBITIONS

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

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SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	
201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
201.156	Conditions
201.157	Contents of Application for Operating Permit
201.158	Incomplete Applications
201.159	Signatures
201.160	Standards for Issuance
201.161	Conditions
201.162	Duration
201.163	Joint Construction and Operating Permits
201.164	Design Criteria
201.165	Hearings
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
201.170	Portable Emission Units
<u>201.175</u>	<u>Registration of Smaller Sources (ROSS)</u>

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

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

SUBPART F: CAAPP PERMITS

Section	
201.207	Applicability
201.208	Supplemental Information
201.209	Emissions of Hazardous Air Pollutants

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- 201.210 Categories of Insignificant Activities or Emission Levels
- 201.211 Application for Classification as an Insignificant Activity
- 201.212 Revisions to Lists of Insignificant Activities or Emission Levels

SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND
PROJECT COMPLETION SCHEDULES

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

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

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

SUBPART J: MONITORING AND TESTING

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

SUBPART K: RECORDS AND REPORTS

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Section	
201.301	Records
201.302	Reports

SUBPART L: CONTINUOUS MONITORING

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

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

AUTHORITY: Implementing by Sections 9.14, 10, 39 and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.14, 10, 27, 39 and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12-10 at 35 Ill. Reg. 19790, effective December 5, 2011.

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SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section 201.175 Registration of Smaller Sources (ROSS)

- a) An owner or operator of an eligible source shall annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under the Act or complying with a permit issued under Section 201.169. The owner and operator of a ROSS source are still subject to all applicable environmental statutes and regulations. The source must meet all of the following criteria to be an eligible source:
- 1) Pursuant to Section 9.14 of the Act:
 - A) The source must not be required to obtain a permit pursuant to the Clean Air Act Permit Program, or federally enforceable State operating permit program, or under regulations promulgated pursuant to Section 111 or 112 of the Clean Air Act;
 - B) USEPA has not otherwise determined that a permit is required;
 - C) The source emits less than an actual 5 tons per year of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;
 - D) The source emits less than an actual 0.5 tons per year of combined hazardous air pollutant emissions;
 - E) The source emits less than an actual 0.05 tons per year of lead air emissions;
 - F) The source emits less than an actual 0.05 tons per year of mercury air emissions; and
 - G) The source does not have an emission unit or source subject to a standard pursuant to 40 CFR 61 (Maximum Achievable Control Technology) or 40 CFR 63 (National Emissions Standards for Hazardous Air Pollutants), other than those regulations that USEPA has categorized as "area source."

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- 2) Emission units at the source are not used as thermal desorption systems pursuant to 35 Adm. Code 728. Table F or as incinerator systems.
 - 3) The source or its emission units must not be subject to local siting under Section 39.2 of the Act.
- b) For the purposes of determining whether the actual emissions from the source meet the criteria of subsections (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this Section, the owner or operator of a source shall only use emissions from units that are not exempt from the requirement to obtain a permit pursuant to Section 201.146, as follows:
- 1) Initial registration or reentry into ROSS: the owner or operator must sum the actual emissions from all units associated with the source for the prior calendar year. If the source is new, or has been operating less than one calendar year, projected estimated emissions may be used for all of the remaining months in the prior calendar year, respectively.
 - 2) Annual renewal of registration:
 - A) For the purposes of determining compliance with subsection (a)(1)(C) of this Section, the owner or operator must:
 - i) Verify that the source still meets the eligibility criteria in subsection (a)(1)(C); or
 - ii) Calculate emissions by summing all actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions from all units associated with the source for the prior calendar year. The total sum of actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions for the prior calendar year must be less than or equal to 7 tons, or the total sum of actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions from

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the prior two calendar years must be less than or equal to 10 tons.

- B) For the purposes of determining compliance with subsections (a)(1)(D), (a)(1)(E) and (a)(1)(F) of this Section, the owner or operator must:
- i) Verify that the source still meets the eligibility criteria in subsections (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this Section; or
 - ii) Calculate emissions by summing all actual emissions from all units at the source for the prior calendar year. Summed emissions of HAPs, mercury or lead must be less than or equal to 0.5 tons per year, 0.05 tons per year, or 0.05 tons per year, for the prior calendar year, respectively.
- c) The following must be included in each initial registration and each re-entry registration:
- 1) The name, address, and telephone number of the source and of the person responsible for submitting and retaining copies of the registration information and the records;
 - 2) A statement that the source meets the requirements of this Section;
 - 3) A certification that the information submitted in subsections (c)(1) and (c)(2) of this Section is correct or a correction of the information; and
 - 4) The applicable fee pursuant to Section 9.14 of the Act.
- d) The owner or operator of an eligible source shall submit the registration required by subsection (c) of this Section as follows:
- 1) Initial registration:
 - A) The owner or operator of a source holding a permit may register after the effective date of this Section and no later than their annual fee payment date in fiscal year 2013 (July 1, 2012 through June 30,

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- 2013). The terms and conditions of a permit issued pursuant to Section 201.169 do not apply during the period the source is registered. The owner and operator of a ROSS source are still subject to all applicable environmental statutes and regulations.
- B) The owner or operator of an operating source not holding a permit shall register no later than July 1, 2012.
- C) The owner or operator of a new source shall register at least 10 days before commencing construction or operation and may commence construction or operation 10 days after submittal to the Agency.
- 2) Annual registration. The owner or operator of a ROSS source must pay an annual fee on or before their annual fee payment date. Annual payment of the fee is verification by the owner or operator that the source continues to meet the criteria in subsection (a), as determined by subsection (b)(2), as applicable.
- 3) Re-entry into ROSS under subsection (h). The owner or operator of a source that re-enters ROSS based on the criteria in subsection (a), as determined by subsection (b)(1), must register and pay an annual fee on or before their annual fee payment date.
- e) The owner or operator shall keep the following records and make them available for inspection by the Agency:
- 1) A description of the emission units associated with the source and their associated control devices;
- 2) A description of control efficiency or emission rates of any control devices that are relied upon to meet the criteria for ROSS in subsection (a), as determined by subsection (b)(1) or (b)(2), as applicable;
- 3) Documentation of the source's actual emissions and calculations demonstrating that the source is eligible for ROSS pursuant to the criteria in subsections (a), as determined by subsection (b)(1) or (b)(2), as applicable. This documentation may include, but is not limited to, annual material usage or emission rates;

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- 4) A copy of the source's initial registration; and
- 5) A copy of the owner's or operator's annual fee payment for at least the most recent 5 calendar years.
- f) Changes to a ROSS source requiring notification: The owner or operator of the source must notify the Agency in writing within 45 days after the change to the source, if the information provided in subsection (c)(1) of this Section changes.
- g) Changes requiring a new or modified construction or operating permit, or compliance with conditions in an existing permit issued pursuant to Section 201.169:
 - 1) The owner or operator must apply for a permit by the date required by the new regulation or statute if there is a change in a regulation or statutory requirement or a new regulation or statutory requirement that makes a source ineligible for ROSS under the criteria in subsection (a), as determined in subsection (b)(2), as applicable.
 - 2) If the source no longer meets the criteria in subsection (a), as determined by subsection (b)(2), as applicable:
 - A) The owner or operator of a source that did not have a permit under Section 201.169 prior to registration must apply and comply with the applicable requirements of the Act and 35 Ill. Adm. Code Parts 201 and 203, as follows:
 - i) If the source is eligible for a permit under Section 201.169, the owner or operator must apply for a permit within 90 days of the source's annual fee payment date.
 - ii) If the source is not eligible under Section 201.169, the owner or operator must apply for a permit as provided for under the Act and 35 Ill. Adm. Code Parts 201 and 203.
 - iii) If the source was not constructed or operated at the time of initial registration and has actual emissions in excess of the eligibility levels during the first or second year of

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operations as determined in subsection (b)(2), the owner or operator must apply for an operating permit and pay construction permit application fees.

- B) The owner or operator of a source that had a permit under Section 201.169 prior to registration:
- i) If the source is in compliance with the terms and conditions of the permit, the owner or operator shall notify the Agency no later than the source's annual fee payment date of the calendar year following the change in status from a ROSS eligible source to a permitted source.
 - ii) If the source is not in compliance with the terms and conditions of the permit, but is still eligible for a permit pursuant to Section 201.169, the owner or operator must apply for a new or revised permit within 90 days of the source's annual fee payment date.
 - iii) If the source is not eligible for a permit pursuant to Section 201.169, the owner or operator must comply with the applicable permitting requirements under the Act and 35 Ill. Adm. Code Parts 201 and 203.
- h) Reentry into ROSS: the owner or operator of a source that changed status to become a permitted source pursuant to subsection (g) of this Section shall submit a registration for ROSS if the source meets the criteria in subsections (a), as determined in subsection (b)(1), in the prior calendar year.

(Source: Added at 36 Ill. Reg. 19790, effective December 5, 2011)

DEPARTMENT OF TRANSPORTATION

NOTICE OF REFUSAL TO MODIFY OR WITHDRAW EMERGENCY AMENDMENT TO
MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration
- 2) Code Citation: 44 Ill. Adm. Code 650
- 3) Section Number: 650.170 Emergency Action: Refusal
- 4) Date Notice of Emergency Amendment Published in Register: September 23, 2011; 35 Ill. Reg. 15485
- 5) Date JCAR Statement of Objection Published in the Register: 35 Ill. Reg. 17483; October 28, 2011
- 6) Summary of Action Taken by the Agency:

Objection

The Joint Committee has objected to 44 Ill. Adm. Code 650.170 because "the Department has not demonstrated the existence of a situation requiring the use of emergency rulemaking". The Joint Committee further stated that "PA 96-795 became effective 7/1/10, over 13 months before these emergency rules were adopted. Any emergency that exists appears to be due to the Department's delay in implementing PA 96-795".

Agency Response to Specific Joint Committee Objection:

While Public Act 96-795 became effective July 1, 2010, the General Assembly as part of the Public Act, tasked the Illinois Department of Transportation (IDOT) with the requirement that IDOT establish a broad committee with industry partners to conduct an in-depth study of current prequalification requirements for minority-owned and women-owned contractors:

20 ILCS 2705/2705-595

Sec. 2705-595. Prequalification of minority-owned and women-owned contractors. The Department shall, within 30 days after the effective date of this amendatory Act of the 96th General Assembly, establish a committee to review the rules for prequalification of contractors adopted by the Department at 44 Illinois Administrative Code 650. The purpose of the review is to determine

DEPARTMENT OF TRANSPORTATION

NOTICE OF REFUSAL TO MODIFY OR WITHDRAW EMERGENCY AMENDMENT TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

whether the rules for prequalification operate as a barrier to minority-owned and women-owned contractors becoming prequalified to bid on or make proposals for Department contracts. The committee shall, in addition to Department staff, be constituted with membership representing the construction industry and minority-owned and women-owned contractors. The committee shall complete its work and make recommendations for any changes to the rules for prequalification to the Secretary of Transportation within 180 days after the effective date of this amendatory Act of the 96th General Assembly.

July 2010 through February 2011 Prequalification Barriers Committee:

Immediately after the effective date of the Act in July 2010, the "Prequalification Barriers Committee" was established between IDOT, women and minority-owned contractors, and the construction industry and was charged with studying and identifying recommendations to remove barriers to women and minority-owned firms becoming prequalified in Illinois road construction. The committee consisted of almost 50 members representing the Federal Highway Administration, Illinois Road Builders (IRB), Associated General Contractors (AGC), American Council of Engineering Companies (ACEC), Black Contractors United, HACIA, Federation of Women Contractors, and many additional industry partners. The Prequalification Barriers Committee completed their mission with the submission of recommendations to IDOT's Secretary of Transportation in early 2011. The recommendations were numerous, covering many topics, and included the proposal to increase the unaudited status of small contractors, which eventually became the emergency rule at issue here.

During the first quarter 2011, a team of IDOT staff pursued implementation plans for the recommendations as identified in that report. One of those recommendations was to continue with the committee of internal and external experts to oversee implementation of the recommendations approved by the Secretary. The original "Prequalification Barriers Committee" was thus reconstituted and renamed the "Prequalification Enhancement Committee" (PEC) and began meeting in April 2011 and has continued to meet on a monthly basis throughout 2011. It was this PEC that was charged with and pursued the JCAR emergency rule change at issue here.

Prequalification Enhancement Committee (PEC):

During the April and June meetings of the new PEC, over 30 members attended each meeting. Members again included the Federal Highway Administration, Illinois Road

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Builders, American Counsel of Engineering Companies (ACEC), HACIA, Federation of Women Contractors and several other industry groups and staff of IDOT.

At the April 21 meeting of the PEC, the committee reviewed all of the recommendations of the previous committee, which had been approved by the Secretary of Transportation, and asked IDOT staff to address each recommendation and propose implementation, including drafting the JCAR proposed rule for the increase in unaudited status of contractors.

At the next meeting on June 30, 2011, the committee suggested that the rule to increase the unaudited financial cap be filed as an emergency to "ensure that IDOT does not lose the entire construction season during this effort". (Minutes of the June 30, 2011 meeting). Unfortunately, then Secretary of Transportation, Gary Hannig, retired from IDOT in July 2011. Secretary Hannig contacted the members of JCAR and its Executive Director to advise of the filing of the rule as an emergency per the wishes of the PEC. The rule was thereafter filed, with the Acting Secretary's approval, as an emergency on September 9, 2011 after all contacts were made.

The Emergency Amendment:

The emergency amendment in question is but a single component in a much broader and far encompassing effort to reduce the barriers experienced by women and minorities and to provide equal competition in bidding on Illinois road construction projects. The amendment to Section 650.170(c)(1)(A) increases the threshold for an applicant's financial rating in an unaudited status. The limit has been increased from \$500,000 to \$750,000 in an unaudited status, when a balance sheet is prepared and submitted by the applicant. This change is designed to increase a small firm's bidding capacities by streamlining the prequalification process for such firms.

Rational for the Filing of the Rule as an Emergency:

The reason for the emergency rulemaking was to immediately put in place the higher unaudited limit to increase competition and bidding opportunities for small contractors and minority and women contractors on the September 2011 (\$121 million in projects), November 2011 (\$269 million in projects) and the January 2012 (over \$500 million in projects) IDOT construction lettings. Filing of the rule as a non-emergency would have caused delay and, as noted by the PEC, the emergency filing would ensure that these small businesses would have increased opportunities to bid in the 2011 and early 2012

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construction season. The November 2011 IDOT letting is a significant letting that would have been lost but for the emergency rulemaking. At its October 13, 2011 meeting, the Illinois Procurement Policy Board approved the emergency rule without objection.

Success of Emergency Rule:

Because IDOT filed the rule as an emergency in advance of the September and November lettings, of the 775 IDOT prequalified firms currently in existence, 108 firms have been positively impacted by the emergency amendment including DBE and non-DBE contractors alike.

The Prequalification Barriers Committee and its successor, the PEC, found that the public interest and welfare is at stake when the bidding pool is not maximized to the fullest extent and in accordance with the Illinois Procurement Code preference for competitive bidding. It was imperative that the rule change occurred so that certain small business entities, including DBE firms that are currently below the unaudited threshold, were not blocked from bidding as prime contractors on September, November, and the January upcoming projects. Filing the rule change as a regular rule would have resulted in fewer small businesses gaining access to IDOT projects on the September, November and January lettings and could have stifled the added benefits of growing businesses and creating jobs.

IDOT and industry leaders determined that the change should be made expeditiously in the best interest and welfare of the State, in response to the appeal of the General Assembly, and to reduce barriers to small firms interested in bidding on IDOT construction projects.

Future Actions:

For these reasons, IDOT believes that the emergency rule objected to is the most beneficial process which was available and that the best course of action is to maintain the current language in IDOT's rule. In the future, IDOT will make every effort to timelier file rulemakings.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) The Notice of Proposed Amendments being corrected appeared at: 35 Ill. Reg. 19368; December 2, 2011
- 4) The information being corrected is as follows: The answer to question #7 on the notice page was yes. The answer should have been no, the rulemaking will not replace any emergency rulemaking currently in effect.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Electronic Health Information Technology
- 2) Code Citation: 89 Ill. Adm. Code 150
- 3) The Notice of Proposed Amendments being corrected appeared at: 35 Ill. Reg. 19392; December 2, 2011
- 4) The information being corrected is as follows: The answer given to question #7 on the notice page was yes. The answer should have been no, because the rulemaking will not replace any emergency rulemaking currently in effect.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTORS PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to 820 ILCS 130/11a of the Prevailing Wage Act, the Director of the Illinois Department of Labor gives notice that the following contractors and subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project:

B & T Services of Monee, Inc.
4922 W. Margaret Street
Monee, IL 60449
IDOL Case No.(s): 2007-PW-AP06-0839 & 2006-PW-RW06-0939
May 21, 2010 and continuing through May 20, 2014

American Brick Paving, Inc.
c/o John Biebrach, President
825 Seegers Road
Des Plaines, IL 60016
IDOL Case No.: 2010-PW-WJ11-0557
September 24, 2010 and continuing through September 23, 2014

Performance Paving, Ltd.
c/o Larry Kennebeck, President
520 Bonner Road
Wauconda, IL 60084
IDOL Case No.(s): 2008-PW-WJ01-0530 & 2010-PW-WJ08-0214
November 29, 2010 and continuing through November 29, 2014

Dirt & Sod, Inc.
c/o Pat Brandonisio, President
964 Elizabeth Drive
Elgin, IL 60120
IDOL Case No.(s): 2008-PW-WJ02-0633 & 2010-PW-WJ09-0254
November 29, 2010, and continuing through November 29, 2012

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

Dem/Ex Group, Inc.
c/o Daniel Saal
805 S. Adams Street
Manito, IL 61546
IDOL Case No.(s): 2008-PW-RW09-0186 & 2010-PW-RDW09-0351
July 29, 2011, and continuing through July 29, 2015

Gire Construction, Inc.
aka Gire Roofing
c/o Ed Gire
712 S. Neil Street
Champaign, IL 61820
IDOL Case No.(s): 2010-PW-JD08-0104 & 2011-PW-JD07-0009
"this debarment is effective until 4 years have elapsed from the date of publication of the list containing the name of the contractor"

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
900 S. Spring Street
Springfield, Illinois 62704

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 November 28, 2011 through December 5, 2011 and have been scheduled for review by the Committee at its January 10, 2012 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>
1/13/12	<u>Department of Revenue</u> , Electronic Filing of Returns or Other Documents (86 Ill. Adm. Code 760)	10/14/11 35 Ill. Reg. 16437	1/10/12
1/13/12	<u>Department of Transportation</u> , Roadside Memorials (92 Ill. Adm. Code 549)	10/14/11 35 Ill. Reg. 16512	1/10/12

PROCLAMATIONS

2011-398**Native American Heritage Month**

WHEREAS, November marks the celebration of the ancestry and time-honored traditions of Native Americans in North America; and,

WHEREAS, the Native American community has added immeasurably to our cultural heritage, and demonstrated courage in the face of adversity, while distinguishing themselves as leaders, inventors, entrepreneurs, spiritual guides and scholars. Our debt to our First Americans is immense, as is our responsibility to ensure their fair, equal treatment and honor the commitments made to their forebears; and,

WHEREAS, this year marks the 32nd Anniversary of the Illinois Human Rights Act, which bars discrimination based on race, color, religion, national origin, sex (including sexual harassment,) physical or mental disability, familial status (in housing), age (40 and over), ancestry, marital status, military status, unfavorable discharge from military service, sexual orientation (including gender-related identity), or order of protection status; and,

WHEREAS, the Native American community faces huge challenges; and,

WHEREAS, freedom from discrimination is a right of all Illinois residents; and,

WHEREAS, human relations in all communities of the State of Illinois are improved by diversity and integration; and,

WHEREAS, the talents of grassroots and non-profit organizations, elected officials, state agencies and others must be combined to promote cultural respect, self-determination, security, prosperity and equal opportunity for all people in Illinois. Together we will move ahead in Writing a new, brighter chapter in our joint history; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2011 as **NATIVE AMERICAN HERITAGE MONTH** in Illinois in commemoration of contributions made by the Native American community, and I urge all residents of the State of Illinois to celebrate this month with appropriate programs and activities that promote integration and equal opportunity for all Native Americans and fellow Illinois residents.

Issued by the Governor November 15, 2011

Filed by the Secretary of State December 2, 2011

2011-399**Athlete Concussion Awareness Month**

PROCLAMATIONS

WHEREAS, of the 1.4 million individuals who sustain a traumatic brain injury (TBI) each year in the United States, 50,000 die, 235,000 are hospitalized, and 1.1 million are treated and released from an emergency department; and,

WHEREAS, among children ages 0 to 14 years, TBI results in an estimated 2,685 deaths, 37,000 hospitalizations and 435,000 emergency visits annually; and,

WHEREAS, concussions, a form of traumatic brain injury, interferes with normal function of the brain and creates long-term detrimental health effects that are especially harmful for teenagers; and,

WHEREAS, student athletes are among the most at-risk groups for suffering traumatic brain injuries and brain trauma; and,

WHEREAS, the desire to compete must never trump the safety of our students; and,

WHEREAS, the mission of the Sports Legacy Institute is to advance the study, treatment and prevention of the effects of brain trauma in athletes and other at-risk groups; and,

WHEREAS, the mission of the Chicago Concussion Coalition is to offer Chicago's coaches, athletic directors and trainers, student athletes, parents and citizens with the best resources to protect student athletes from concussions; and,

WHEREAS, the Sports Legacy Institute and the Chicago Concussion Coalition along with the Illinois Eye Institute will be hosting a fundraiser to provide Advanced Concussion Training (ACT) Programs for former professional athletes, coaches, student athletes and parents on how to play sports smarter and safer. Proceeds will be used to provide stipends to former professional athletes to go into the greater Chicago educational community to help provide the most up to date ACT programs available; and,

WHEREAS, the Protecting Our Student-Athletes Act was signed into law on July 28, 2011 in order to help protect Illinois' student athletes from concussions and other brain injuries. This law will ensure that athletes who receive a concussion will not be allowed to return or play or practice until they are evaluated and receive written clearance from a licensed health professional. The law also ensures student athletes, their parents and their coaches are able to recognize the signs of a concussion; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December, 2011 as **ATHLETE CONCUSSION AWARENESS MONTH** and encourage all residents of

PROCLAMATIONS

Illinois to become educated on the effects and outcomes of concussions and take all preventative measures in an attempt to prevent sustaining a brain injury.

Issued by the Governor November 16, 2011

Filed by the Secretary of State December 2, 2011

2011-400**Lance Corporal Joshua Misiewicz Day**

WHEREAS, all citizens owe a tremendous debt of gratitude to the brave men and women of the United States Armed Forces who heroically serve to defend the freedom and safety of all Americans; and,

WHEREAS, by answering the call of duty during times of peace and war, these heroic service men and women have demonstrated a profound love for the people of this country and a steadfast commitment to the freedom that unites us; and,

WHEREAS, the United States and the State of Illinois are blessed by the 1.5 million men and women who have answered that call to serve our nation with courage and integrity; and,

WHEREAS, these members of our military are true heroes; and,

WHEREAS, since June 2011, more than 100,000 American heroes remain deployed in Afghanistan as part of Operation Enduring Freedom; and,

WHEREAS, one such hero was 23-year-old La Grange native and United States Marine Corps Lance Corporal Joshua Misiewicz; and,

WHEREAS, prior to pursuing his dream of enlisting in the Marines, Lance Corporal Misiewicz spent a lifetime representing his community in the highest esteem—as a member of the St. Xavier Parish, as an all-state all-star hockey player, as a 2006 honors graduate of Lyons Township High School, as a student athlete and associates' degree recipient from St. Mary's University of Minnesota in Winona; and,

WHEREAS, Lance Corporal Misiewicz deployed to Afghanistan as a member of the 1st Battalion, 5th Marines Regiment in March 2011; and,

WHEREAS, A Department of Defense photo of Lance Corporal Misiewicz giving high-five to an Afghan child in April 2011 became an image seen around the globe as a demonstration of the American goodwill toward the people of Afghanistan; and,

PROCLAMATIONS

WHEREAS, Lance Corporal Misiewicz, while on patrol in the Helmund Province on July 20, 2011, stepped on an improvised explosive device (IED) and sustained extensive injuries; and,

WHEREAS, Lance Corporal Misiewicz has undergone more than two dozen surgeries and will continue to receive treatment at the Walter Reed National Military Medical Center in Bethesda, MD; and,

WHEREAS Lance Corporal Misiewicz has fought successfully against all odds; and,

WHEREAS, Lance Corporal Misiewicz, was awarded the Purple Heart by Marine Commandant Gen. James Amos for injuries sustained during battle; and,

WHEREAS, Lance Corporal Misiewicz has now accepted a new mission, spending much of his time with the support of his family and fellow Marines following the road to recovery en route to the future;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 19, 2011 as **LANCE CORPORAL JOSHUA MISIEWICZ DAY** in Illinois, in recognition of Lance Corporal Misiewicz's service and sacrifice, and encourage all citizens to express their respect and gratitude for our nation's troops by supporting them in whatever way possible.

Issued by the Governor November 16, 2011

Filed by the Secretary of State December 2, 2011

2011-401**Employee Learning Week**

WHEREAS, the State of Illinois recognizes that its employees are its most important resource; and,

WHEREAS, in order to grow and stay competitive in today's global economy, organizations must have a highly-skilled and knowledgeable workforce; and,

WHEREAS, lifelong learning develops individual and organizational knowledge and expertise; and,

WHEREAS, the American Society for Training and Development is the largest international organization dedicated to workplace learning and performance professionals; and,

PROCLAMATIONS

WHEREAS, the members of the American Society for Training and Development are workplace learning and performance professionals committed to developing the skills of individual employees and the workforce as a whole; and,

WHEREAS, this year the American Society for Training and Development has designated December 5-9 as Employee Learning Week to provide an opportunity for companies to demonstrate their commitment to workforce development by introducing new employee learning opportunities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 5-9, 2011 as **EMPLOYEE LEARNING WEEK** in Illinois, to celebrate and promote workplace learning and development in our state.

Issued by the Governor November 17, 2011

Filed by the Secretary of State December 2, 2011

2011-402**Starved Rock State Park Day**

WHEREAS, Illinois' state parks are valuable resources that allow families to enjoy Illinois' natural, undisturbed habitats; and,

WHEREAS, preserving and protecting the natural beauty of State Parks is vital to ensure that they remain undisturbed for the education and enjoyment of future generations

WHEREAS, the Illinois state park system began in 1908 and now consist of 320 state parks, recreational areas, and wildlife areas. 45 Million people annually visit these places for vacationing and recreational purposes; and,

WHEREAS, following the purchase of 280 acres in 1911, the state created Starved Rock State Park in Utica; and,

WHEREAS, Starved Rock has been an important part of Illinois' history for 100 years. Its 2 million annual visitors are an economic engine for LaSalle County; and,

WHEREAS, the scenery at Starved Rock State Park is unique and rare. Situated along the Illinois River in LaSalle County, the park is best known for its rock formations which were formed more than 400 million years ago. The Park is also home to over 200 different wildflowers and a popular destination for bald eagle watching; and,

PROCLAMATIONS

WHEREAS, guests can hike 13 miles of trails, see 18 canyons, camp, fish or canoe the Illinois River, ride horseback, rent bikes to ride on trails, cross country ski during winter months, and enjoy other special events throughout the year; and,

WHEREAS, visiting natural places like Starved Rock is a great opportunity for kids to get out and explore nature and learn about the state's heritage with their parents; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 30, 2011 as **STARVED ROCK STATE PARK DAY** in Illinois, and encourage all families to consider visiting Starved Rock State Park to see its natural beauty.

Issued by the Governor November 17, 2011

Filed by the Secretary of State December 2, 2011

2011-403
Hadassah Day

WHEREAS, service to others is a hallmark of the American character, and throughout our history citizens have stepped up to meet challenges by volunteering in communities across the country, as well as globally; and,

WHEREAS, the current global economic downturn means more people are facing hardships, and volunteering and national service is needed more than ever; and,

WHEREAS, Hadassah, the Women's Zionist Organization of America, was founded by Henrietta Szold in 1912 as a volunteer women's organization with the biblical mission of Arukat Bat Ami, or, the Healing of the Daughter of my People; and,

WHEREAS, while the organization's first mission was targeted at eradicating trachoma, an eye disease, and providing pasteurized milk to needy families, it soon progressed to other challenges, such as saving European children from anti-Semitic and Nazi oppression and bringing them to what is now the Jewish state of Israel, First Amendment issues, public health, and immigration and voting rights, among other social concerns; and,

WHEREAS, in 1942, the U.S. State Department named Hadassah as one of the five largest contributors to overseas relief; and,

WHEREAS, during World War II, Hadassah chapters around the country sold a total of \$200 million in war bonds, funding 100 U.S. Air Force bombers; and,

PROCLAMATIONS

WHEREAS, today, Hadassah owns and supports two world-class medical centers in greater Jerusalem, Hadassah College Jerusalem, one of Israel's top-ranked smaller colleges, three Hadassah Youth Aliyah villages, where young immigrant's and Israel's underprivileged youth are housed, fed, educated and nurtured and also manage Israel's largest touring and residency program for American Jewish youth; and,

WHEREAS, Hadassah promotes the unity of the Jewish people through their Commitment to the centrality of Israel based on the renaissance of the Jewish people in its historic homeland; and,

WHEREAS, in the United States, Hadassah enhances the quality of life for Jewish Americans through its education and youth programs, promotes health awareness, and provides personal enrichment and growth for its members; and,

WHEREAS, Hadassah will celebrate its 100th anniversary in the year 2012; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 24, 2012 as **HADASSAH DAY** Illinois, in recognition of all of the women who have served their communities both at home and globally through their membership in Hadassah.

Issued by the Governor November 17, 2011

Filed by the Secretary of State December 2, 2011

2011-404**Illinois Accessible Parking Awareness Month**

WHEREAS, people with disabilities represent an ever-growing percentage of Illinois citizens who need accessible parking spaces to ensure access to participate fully in the various aspects of community life; and

WHEREAS, the State of Illinois is committed to removing many of the major barriers to independence for people with disabilities in Illinois by urging every community with a population of more than 15,000 to conduct accessible parking awareness days; and

WHEREAS, great strides have been made in Illinois to make buildings and facilities accessible to people with disabilities and adequate accessible parking spaces must be kept free from barriers such as debris and snow accumulation; and

WHEREAS, all drivers, municipalities, and private parking lot owners share the responsibility of knowing and adhering to all laws regarding parking for persons with disabilities as specified in the Illinois drivers manual and other statutes; and

PROCLAMATIONS

WHEREAS, all officials charged with parking enforcement must be vigilant in ensuring proper access to accessible parking spaces and reducing illegal use; and

WHEREAS, all citizens share a responsibility to eliminate barriers, both physical and attitudinal, which stand in the way of providing people with disabilities full access to community activities throughout our state; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2011 as **ILLINOIS ACCESSIBLE PARKING AWARENESS MONTH**, and urge all citizens to join in recognizing the importance of accessible parking spaces.

Issued by the Governor November 21, 2011

Filed by the Secretary of State December 2, 2011

2011-405
World Aids Day

WHEREAS, preventing the transmission of HIV infection and stopping the spread of AIDS requires a worldwide effort to increase communication, education and action; and

WHEREAS, estimates from the Joint United Nations Programme on HIV/AIDS on the global AIDS epidemic show that around 33 million adults and 2.5 million children were living with HIV at the end of 2009; and

WHEREAS, according to the Illinois Department of Public Health, Illinois has the seventh highest number of AIDS cases in the nation, with 38,265 reported cases of AIDS since 1981. Of those diagnosed with the disease, about 20,970 have died; and

WHEREAS, the World Health Organization has designated December 1 of each year as World AIDS Day, a day to expand and strengthen the worldwide effort to stop the spread of HIV and AIDS; and

WHEREAS, this year marks the 23rd anniversary of World AIDS Day and the 30th anniversary of the first reported cases of HIV/AIDS. While we have come a long way since then, there is still much more to be done; and

WHEREAS, the theme for World AIDS Day 2011 is "Getting to Zero" Global leaders have pledged to work towards universal access to HIV and AIDS treatment, prevention and care, recognizing these as fundamental human rights. Valuable progress has been made in increasing

PROCLAMATIONS

access to HIV and AIDS services, yet greater commitment is needed around the world if the goal of universal access is to be achieved; and

WHEREAS, the campaign calls on all sectors of society such as families, communities and civil society organizations, as well as governments, to take the initiative and provide leadership on AIDS; and

WHEREAS, this day in Illinois is commemorated by a number of events across the state, including the dimming of the lights atop the Illinois State Capitol dome and at the James R. Thompson Center in Chicago during the evening hours to coincide with the dimming of the lights at the White House in tribute to those infected with and affected by HIV and AIDS:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 1, 2011 as **WORLD AIDS DAY** in Illinois, and encourage all residents to take part in activities and observances designed to increase awareness and understanding of AIDS, to take part in AIDS prevention activities and programs, and to join in the efforts to prevent transmission of HIV and further spread of AIDS.

Issued by the Governor November 21, 2011

Filed by the Secretary of State December 2, 2011

2011-406**Pearl Harbor Remembrance Day**

WHEREAS, on December 7, 1941 Japanese bombers attacked unsuspecting American sailors and soldiers stationed at Pearl Harbor; and,

WHEREAS, during that fateful day in history, more than 2,000 Americans were killed, including 50 servicemen from Illinois, and another 1,000 were wounded during the bombardment, which outraged Americans as few other events in our nation's history had; and,

WHEREAS, in response, President Franklin Roosevelt and Congress promptly declared war against Japan and its allies, thereby entering World War II; and,

WHEREAS, United States' sailors, soldiers and airmen performed superbly on all fronts. Together, a Grand Coalition of French, English, Russian, and American servicemen conducted mass campaigns and operations within the Pacific, African, and European theaters; and,

WHEREAS, on May 7, 1945 Germany surrendered, which was soon followed by Japan's surrender on August 14 of that same year; and,

PROCLAMATIONS

WHEREAS, during the war, more American sailors and soldiers were mobilized than at any other time in our history. By war's end, more than eight million Americans were serving in the Army alone; and,

WHEREAS, thanks to the Grand Coalition, our servicemen, and all those at home who contributed to the war effort, liberty, freedom and the rights of all peoples everywhere were protected from the aggressions of Germany and Japan; and,

WHEREAS, this year marks the 70th anniversary of the attack on Pearl Harbor and the 66th anniversary of the end of the Second World War. Although we can never repay all those who faithfully and honorably served during the war, we will always remember what they did and fought for; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 7, 2011 as **PEARL HARBOR REMEMBRANCE DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff on such day from sunrise until sunset in memory of all the heroes who died in the attack on Pearl Harbor, and in tribute to all the men and women whose sacrifices made the world safer for liberty and freedom.

Issued by the Governor November 21, 2011

Filed by the Secretary of State December 2, 2011

2011-407**PFC Adam E. Dobereiner**

WHEREAS, on Friday, November 18, United States Army PFC Adam E. Dobereiner of Moline, Illinois died at age 21 while conducting combat operations in Kandahar province, Afghanistan, where PFC Dobereiner was serving in support of Operation Enduring Freedom; and,

WHEREAS, PFC Dobereiner was assigned to the 937th Engineer Company, 8th Engineer Battalion, 36th Engineer Brigade, based at Fort Hood, Texas; and,

WHEREAS, PFC Dobereiner was a standout football player and wrestler at Moline Community High School; and,

WHEREAS, PFC Dobereiner graduated from Moline Community High School in 2008 and enrolled at Black Hawk College; and,

WHEREAS, PFC Dobereiner, following a family tradition of military service, enlisted in the United States Army in 2010 and was deployed to Afghanistan on July 6, 2011; and,

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WHEREAS, PFC Dobereiner was on a mission to free two villages from Taliban control when his vehicle was hit by an improvised explosive device; and,

WHEREAS, a funeral will be held on Friday, December 2, 2011 for PFC Dobereiner, who is survived by his parents ,a brother and two sisters ; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on Wednesday, November 30,2011 until sunset on Friday, December 2, 2011 in honor and remembrance of PFC Adam E. Dobereiner, whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 29, 2011

Filed by the Secretary of State December 2, 2011

2011-408**Crime Stoppers of Lake County Month**

WHEREAS, Crime Stoppers of Lake County was formed in 1983 and is a community program comprised of concerned citizens who work closely with police authorities, the news media, and the public in the fight against crime in Lake County and surrounding communities; and,

WHEREAS, Crime Stoppers combats local crime by offering cash rewards to anyone who provides information that leads to the arrest of felony crime offenders or the capture of felony fugitives. Informants always remain anonymous, and cash rewards are funded primarily by private contributions; and,

WHEREAS, thanks to Crime Stoppers, there have been more than 6,047 criminal arrests throughout Lake County, Northern Illinois, and Wisconsin since the program's inception in 1983. Altogether, more than \$27 million worth of contraband and stolen property has been seized; and,

WHEREAS, the success of Crime Stoppers would not be possible without the support of everyone in the community. Consequently, Crime Stoppers also promotes the importance of reporting suspicious behavior and criminal activity; and,

WHEREAS, to support their mission, Crime Stoppers of Lake County will raise money and sponsor events designed to raise awareness during the month of January:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 2012 as **CRIME STOPPERS OF LAKE COUNTY MONTH** in Illinois, in recognition of their terrific program, and encourage all citizens to help keep their communities safe and free of crime.

PROCLAMATIONS

Issued by the Governor November 29, 2011

Filed by the Secretary of State December 2, 2011

ILLINOIS ADMINISTRATIVE CODE
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