

TABLE OF CONTENTS

July 5, 2019 Volume 43, Issue 27

PROPOSED RULES

AGRICULTURE, DEPARTMENT OF	
Meat and Poultry Inspection Act	
8 Ill. Adm. Code 125.....	7323
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Physician Assistant Practice Act of 1987	
68 Ill. Adm. Code 1350.....	7335
HUMAN SERVICES, DEPARTMENT OF	
Child Care	
89 Ill. Adm. Code 50.....	7361
REVENUE, DEPARTMENT OF	
Practice and Procedure for Hearings Before the Illinois Department of Revenue	
86 Ill. Adm. Code 200.....	7379
STATE BOARD OF EDUCATION, ILLINOIS	
Public Schools Evaluation, Recognition and Supervision	
23 Ill. Adm. Code 1.....	7389

ADOPTED RULES

AGRICULTURE, DEPARTMENT OF	
Illinois Pesticide Act	
8 Ill. Adm. Code 250.....	7402
Standardbred, Thoroughbred and Quarter Horse Breeding and Racing Program, Illinois	
8 Ill. Adm. Code 290.....	7408
Municipal Urban Agricultural Areas	
8 Ill. Adm. Code 955.....	7422
BOARD OF HIGHER EDUCATION	
Nursing School Grant Program	
23 Ill. Adm. Code 1100.....	7429
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
The Travel Regulation Council	
80 Ill. Adm. Code 3000.....	7447
COMMUNITY COLLEGE BOARD, ILLINOIS	
Administration of the Illinois Public Community College Act	
23 Ill. Adm. Code 1501.....	7454
REVENUE, DEPARTMENT OF	
Gas Revenue Tax Act	
86 Ill. Adm. Code 470.....	7463

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....	7486
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER	
CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES	
Notice of Public Information.....	7487
REGULATORY AGENDA	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310.....	7489
CHIEF PROCUREMENT OFFICER FOR DEPT OF TRANSPORTATION	
Chief Procurement Officer for the Department of Transportation –	
Standard Procurement	
44 Ill. Adm. Code 6.....	7492
EMERGENCY MANAGEMENT AGENCY, ILLINOIS	
Registration and Operator Requirements for Radiation Installations	
32 Ill. Adm. Code 320.....	7493
EMPLOYMENT SECURITY, DEPARTMENT OF	
Administrative Hearings and Appeals	
56 Ill. Adm. Code 2725.....	7499
INNOVATION AND TECHNOLOGY, DEPARTMENT OF	
Public Information, Rulemaking and Organization	
2 Ill. Adm. Code 1530.....	7502
NATURAL RESOURCES, DEPARTMENT OF	
Sport Fishing for the Waters of Illinois	
17 Ill. Adm. Code 810.....	7503
POLLUTION CONTROL BOARD	
Prevention of Significant Deterioration (PSD) and Nonattainment New	
Source Review (NSR) Permits	
35 Ill. Adm. Code 204.....	7508
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
General Provisions	
23 Ill. Adm. Code 2700.....	7540
EXECUTIVE ORDERS AND PROCLAMATIONS	
EXECUTIVE ORDERS	
Executive Order Cementing Illinois' Comprehensive 2020 Census Effort	
2019-10.....	7547
PROCLAMATIONS	
Flooding Disaster Proclamation	
2019-16.....	7552

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 2019

Issue#	Rules Due Date	Date of Issue
1	December 26, 2018	January 4, 2019
2	December 31, 2018	January 11, 2019
3	January 7, 2019	January 18, 2019
4	January 14, 2019	January 25, 2019
5	January 22, 2019	February 1, 2019
6	January 28, 2019	February 8, 2019
7	February 4, 2019	February 15, 2019
8	February 11, 2019	February 22, 2019
9	February 19, 2019	March 1, 2019
10	February 25, 2019	March 8, 2019
11	March 4, 2019	March 15, 2019
12	March 11, 2019	March 22, 2019
13	March 18, 2019	March 29, 2019
14	March 25, 2019	April 5, 2019
15	April 1, 2019	April 12, 2019
16	April 8, 2019	April 19, 2019
17	April 15, 2019	April 26, 2019
18	April 22, 2019	May 3, 2019
19	April 29, 2019	May 10, 2019
20	May 6, 2019	May 17, 2019
21	May 13, 2019	May 24, 2019

22	May 20, 2019	May 31, 2019
23	May 28, 2019	June 7, 2019
24	June 3, 2019	June 14, 2019
25	June 10, 2019	June 21, 2019
26	June 17, 2019	June 28, 2019
27	June 24, 2019	July 5, 2019
28	July 1, 2019	July 12, 2019
29	July 8, 2019	July 19, 2019
30	July 15, 2019	July 26, 2019
31	July 22, 2019	August 2, 2019
32	July 29, 2019	August 9, 2019
33	August 5, 2019	August 16, 2019
34	August 12, 2019	August 23, 2019
35	August 19, 2019	August 30, 2019
36	August 26, 2019	September 6, 2019
37	September 3, 2019	September 13, 2019
38	September 9, 2019	September 20, 2019
39	September 16, 2019	September 27, 2019
40	September 23, 2019	October 4, 2019
41	September 30, 2019	October 11, 2019
42	October 7, 2019	October 18, 2019
43	October 15, 2019	October 25, 2019
44	October 21, 2019	November 1, 2019
45	October 28, 2019	November 8, 2019
46	November 4, 2019	November 15, 2019
47	November 12, 2019	November 22, 2019
48	November 18, 2019	December 2, 2019
49	November 25, 2019	December 6, 2019
50	December 2, 2019	December 13, 2019
51	December 9, 2019	December 20, 2019
52	December 16, 2019	December 27, 2019

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
125.150	Amendment
125.151	New Section
- 4) Statutory Authority: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments complete the Department's responsibilities to establish new rules as required by PA 100-1185. This Act modifies the inspection requirements for Type I licensees by creating a custom exemption process. A custom exempt licensee is a Type I licensee that has provided the Director with notice of intent to use a custom exemption and received approval from the Director. Type I licensees working under a custom exemption may not need to get certain products inspected by Department inspectors.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: It does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Albert A. Coll

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will provide Type I licensees with the ability to engage in custom slaughter and processing operations, that are exempt from the standard meat inspection process.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: There is no adverse impact to small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section

125.10 Definitions

125.20 Incorporation by Reference of Federal Rules

125.30 Application for License; Approval

125.40 Official Number

125.50 Inspections; Suspension or Revocation of License

125.60 Administrative Hearings; Appeals (Repealed)

125.70 Assignment and Authority of Program Employees

125.80 Schedule of Operations; Overtime

125.90 Official Marks of Inspection, Devices and Certificates

125.100 Records and Reports

125.110 Exemptions

125.120 Disposal of Dead Animals and Poultry

125.130 Reportable Animal and Poultry Diseases

125.140 Detention; Seizure; Condemnation

125.141 Sanitation Standard Operating Procedures (SOP's)

125.142 Hazard Analysis and Critical Control Point (HACCP) Systems

125.143 Imported Products

125.144 Preparation and Processing Operations

125.145 Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products

125.146 Consumer Protection Standards: Raw Products

125.147 Rules of Practice

125.148 Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights

125.149 Label Approval

SUBPART B: MEAT INSPECTION

Section

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 125.150 Livestock and Meat Products Entering Official Establishments – [Inspection Requirements](#)
- [125.151 Livestock and Meat Products – Custom Exemption for Establishments with Type I Licenses](#)
- 125.160 Equine and Equine Products
- 125.170 Facilities for Inspection
- 125.180 Sanitation (Repealed)
- 125.190 Ante-Mortem Inspection
- 125.200 Post-Mortem Inspection
- 125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
- 125.220 Humane Slaughter of Animals
- 125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
- 125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
- 125.250 Marking Products and Their Containers
- 125.260 Labeling, Marking and Containers
- 125.270 Entry into Official Establishment; Reinspection and Preparation of Product
- 125.280 Meat Definitions and Standards of Identity or Composition
- 125.290 Transportation
- 125.295 Imported Products (Repealed)
- 125.300 Special Services Relating to Meat and Other Products
- 125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

- Section
- 125.310 Application of Inspection
- 125.320 Facilities for Inspection
- 125.330 Sanitation (Repealed)
- 125.340 Operating Procedures
- 125.350 Ante-Mortem Inspection
- 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
- 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
- 125.380 Labeling and Containers
- 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
- 125.400 Definitions and Standards of Identity or Composition
- 125.410 Transportation; Sale of Poultry or Poultry Products

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355,

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; preemptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; preemptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; preemptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; preemptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; preemptory amendment at 31 Ill. Reg. 16763, effective December 10, 2007; preemptory amendment at 32 Ill. Reg. 590, effective January 1, 2008; preemptory amendment at 32 Ill. Reg. 17831, effective October 30, 2008; preemptory amendment at 33 Ill. Reg. 1230, effective January 5, 2009; preemptory amendment at 33 Ill. Reg. 6338, effective April 17, 2009; preemptory amendment at 33 Ill. Reg. 12040, effective August 5, 2009; preemptory amendment at 35 Ill. Reg. 571, effective December 22, 2010; preemptory amendment at 35 Ill. Reg. 1802, effective January 14, 2011; preemptory amendment at 35 Ill. Reg. 19553, effective January 1, 2012; preemptory amendment at 36 Ill. Reg. 9264, effective June 6, 2012; amended at 36 Ill. Reg. 14664, effective October 1, 2012; preemptory amendment at 36 Ill. Reg. 17930, effective December 21, 2012; preemptory amendment at 37 Ill. Reg. 875, effective January 28, 2013; preemptory amendment at 37 Ill. Reg. 6870, effective May 6, 2013; preemptory amendment at 38 Ill. Reg. 4176, effective February 1, 2014; preemptory amendment at 38 Ill. Reg. 20825, effective October 20, 2014;

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

peremptory amendment at 39 Ill. Reg. 502, effective December 22, 2014; amended at 40 Ill. Reg. 2739, effective January 22, 2016; amended at 40 Ill. Reg. 8696, effective June 17, 2016; peremptory amendment at 40 Ill. Reg. 13486, effective September 16, 2016; amended at 43 Ill. Reg. 4526, effective March 26, 2019; amended at 43 Ill. Reg. _____, effective _____.

SUBPART B: MEAT INSPECTION

Section 125.150 Livestock and Meat Products Entering Official Establishments – Inspection Requirements

All livestock and all products entering any official establishment, and all products prepared, in whole or in part, in the official establishment, shall be inspected, handled, stored, prepared, packaged, marked, and labeled as required by~~The Department incorporates by reference. 9 CFR Chapter III, Subchapter A (2018)302.3 (2004),~~ which the Department hereby incorporates by reference.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 125.151 Livestock and Meat Products – Custom Exemption for Establishments with Type I Licenses

- a) Type I custom exempt establishments are those:
 - 1) that slaughter, or prepare any meat or meat food products, on a custom basis (i.e., for the customer's own use and not for sale); and
 - 2) that have been granted a custom exemption by the Director under Section 5.1(e) of the Act.
- b) Type I establishments that desire to slaughter or process under a custom exemption (see Section 5.1(e) of the Act) may do so after submitting a written notification to the Department each year and receiving approval from the Department.
- c) Notification to the Department
 - 1) Request for Annual Exemption

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

A) Type I establishments that desire to slaughter under a custom exemption or receive or process uninspected product under a custom exemption may do so after receiving approval from the Chief of the Department's Bureau of Meat and Poultry Inspection on an annual basis. To receive approval, the establishment must submit to the Bureau Chief a written notice, on a form prescribed by the Department. Upon receiving written approval from the Bureau Chief, the establishment may use the custom slaughter exemption. All approvals expire on December 31 of each year.

B) The written notices required by subsection (b)(1)(A) shall be sent to:

Bureau of Meat and Poultry Inspection
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield IL 62794-9281

2) Using a Custom Exemption Outside of Approved Hours of Operation

A) Type I establishments that hold prior written approval from the Director to use the custom exemption and that desire to slaughter, receive or process uninspected product outside of approved hours may do so if the Department is provided with notice after each occurrence.

B) Type I establishments must notify the Department's assigned inspector after each use of the custom exemption. The notification must be made, on or before the next scheduled business day after each occurrence, on a form prescribed by the Department.

d) Custom Exemption Requirements

1) Slaughter must comply with the federal regulations concerning Humane Slaughter of Livestock (9 CFR 313).

2) Products cannot be sold or donated.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 3) Establishments that smoke, cure, or heat a product shall heat the product at a sufficient temperature and for a sufficient time to kill pathogens to prevent adulteration of the product. The establishment shall properly cool the product to prevent the growth of pathogens. Establishments must maintain heating and, if applicable, cooling records for products produced under the custom exemption. These records must be maintained for two years and made available to inspection personnel upon request.
- 4) The adulteration and misbranding provisions of the Act apply to any carcasses, parts of carcasses, meat, or meat food products that are exempted from the inspection requirements.
- 5) Animals intended for custom exemption slaughter must be segregated from animals intended for inspected slaughter.
- 6) Once an establishment offers an animal for ante-mortem inspection, the establishment cannot change the animal's status to "intended for custom exemption".
- 7) Custom exemption products must be completely physically separated from inspected products throughout the entire process. If an establishment using the custom exemption prepares or handles any products for sale, they shall be kept separate and apart from the custom prepared products at all times while the custom prepared products are in the establishment's custody.
- 8) Carcasses marked "NOT FOR SALE – NOT INSPECTED" must be separated from carcasses and parts slaughtered under inspection.
- 9) All custom exemption products must be clearly marked with "NOT FOR SALE – NOT INSPECTED". The marking must be done in a manner that ensures that it remains applied in letters at least $\frac{3}{8}$ " high. Markings may be placed on a tag or card securely attached to the product, meat, immediate container, or paper wrapping the meat. If the wording is inked directly to the meat, it must meet the requirements of Section 125.250(b).
 - A) Livestock slaughtered in Type I establishments operating under custom exemption shall be clearly stamped with the words "NOT FOR SALE – NOT INSPECTED" prior to leaving the kill floor.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- B) Livestock slaughtered under inspection in Type I establishments with an approved custom exemption shall be stamped with the official mark of inspection prior to leaving the kill floor.
- C) Field-slaughtered and farm-dressed carcasses or parts entering a Type I establishment for custom exempt processing shall be:
- i) delivered in a sanitary manner;
 - ii) ready for cutting up or processing; and
 - iii) stamped with "NOT FOR SALE – NOT INSPECTED" prior to entering any part of the facility.
- 10) Cattle delivered to establishments must be ambulatory at the time of delivery, and this must be acknowledged in writing by the owner. Beef carcasses or carcass parts delivered to establishments must have a written statement from the owner certifying the age of the animal and that the animal was ambulatory at the time of slaughter.
- 11) The establishment shall keep a record of the name and address of the owner of each animal, carcass or portion of a carcass received, the date received, and the dressed weight. These records shall be maintained for at least two years and shall be available, during reasonable hours, for inspection by Department personnel.
- 12) Custom exempt products may not contain specified risk material. The following materials from cattle are specified risk materials as they may lead to exposure to bovine spongiform encephalopathy (BSE):
- A) from cattle 30 months of age and older, the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia; and
 - B) from all cattle, the distal ileum of the small intestine and the tonsils.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 13) Establishments that slaughter livestock under a custom exemption must test for Escherichia coli Biotype 1 (E. coli) in compliance with the requirements of Section 5.2(d) of the Act.

(Source: Added at 43 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Physician Assistant Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1350
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1350.20	Amendment
1350.25	Amendment
1350.30	Amendment
1350.40	Amendment
1350.55	Amendment
1350.60	Amendment
1350.80	Amendment
1350.90	Amendment
1350.100	Amendment
1350.110	Amendment
1350.112	New Section
1350.115	Amendment
1350.116	Renumbered/New Section
1350.117	Renumbered/Amendment
1350.118	Renumbered/Amendment
1350.120	Amendment
1350.130	New Section
- 4) Statutory Authority: Implementing Section 9 of the Physician Assistant Practice Act of 1987 [225 ILCS 95] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].
- 5) A Complete Description of the Subjects and Issues Involved: PA 100-453, which was the sunset reauthorization of the Physician Assistant Practice Act of 1987, replaced references to "supervising physician" and "supervision agreement" with references to "collaborating physician" and "collaborative agreement" throughout the Act. It also granted physician assistants the authority to prescribe Schedule II through V controlled substances when the authority is recommended by the appropriate physician committee of the hospital affiliate and granted by the hospital affiliate. PA 100-453 also authorized the Department to promulgate rules regarding continuing education requirements for renewal applications. The proposed changes detail the specific requirements and acceptable programs that can provide CE credits which mimic the CE requirements listed by the National Commission on Certified Physician Assistants.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 21(a)(8) of the Act already authorized the Department to discipline physician assistants for engaging in dishonorable, unethical or unprofessional conduct. The Act now requires the Department to promulgate rules defining what conduct is subjected to discipline. The proposed rules provide a non-exhaustive list of behaviors, conduct, and actions that would allow the Department to imposed discipline on a physician assistant. These behaviors include violating professional boundaries, breaching patient responsibility, and failure to meet professional standards. The proposed rules also incorporate both the guidelines of ethical conduct for PA Profession from the American Academy of PAs and the Guidelines for the Chronic Use of Opioid Analgesics from the Federation of State Medical Boards. Any additional changes to the rules provide clean up to make the rules consist with the Act and easier to understand.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes, in Section 1350.130 (b) and (c).
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensed physician assistants and applicants regulated under the Act may be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: Please see the new and revised requirements that follow in the proposed amendments to this Part.
- C) Types of professional skills necessary for compliance: Training and/or experience in the medical field is necessary for licensure.

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule: 54 – professional, scientific and technical services
- B) Categories that the Agency reasonably believes the rulemaking will impact, including: ii – regulatory requirements and vii – training requirements.

15) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1350

PHYSICIAN ASSISTANT PRACTICE ACT OF 1987

Section

1350.10	Statutory Authority (Repealed)
1350.20	Definitions
1350.25	Fees
1350.30	Approved Programs
1350.40	Application for Licensure
1350.50	Temporary Certificate (Repealed)
1350.55	Prescriptive Authority
1350.60	Identification
1350.70	Permitted Tasks (Repealed)
1350.80	Supervision of Performance of Collaborative Agreement
1350.90	Scope and Function
1350.100	Notification of Collaborative Agreement Employment
1350.110	Employment by a Professional Corporation or Partnership
1350.112	Employment by a Hospital, Hospital Affiliates or Ambulatory Surgical Treatment Centers
1350.115	Renewals
1350.116	Continuing Education
1350.117 1350.116	Restoration
1350.118 1350.117	Endorsement
1350.120	Granting Variances
1350.130	Dishonorable, Unethical or Unprofessional Conduct

AUTHORITY: Implementing Section 9 of the Physician Assistant Practice Act of 1987 [225 ILCS 95] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 200, effective August 13, 1980; codified at 5 Ill. Reg. 11051; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 8 Ill. Reg. 3027, effective February 29, 1984; transferred from Chapter I, 68 Ill. Adm. Code 350 (Department of Registration and Education) to

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Chapter VII, 68 Ill. Adm. Code 1350 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2960; amended at 18 Ill. Reg. 18046, effective December 12, 1994; amended at 22 Ill. Reg. 3891, effective February 5, 1998; amended at 23 Ill. Reg. 3999, effective March 19, 1999; amended at 24 Ill. Reg. 16680, effective October 27, 2000; amended at 33 Ill. Reg. 1484, effective January 8, 2009; amended at 43 Ill. Reg. _____, effective _____.

Section 1350.20 Definitions

"Act" means the Physician Assistant Practice Act of 1987 [225 ILCS 95].

"Advisory Committee" means the Physician Assistant Advisory Committee to the Medical Licensing Board.

~~"Alternate Supervising Physician" means a physician designated by the supervising physician in accordance with Section 4(8) of the Act. The alternate supervising physician shall maintain all the same responsibilities as the supervising physician. Nothing in this Part shall be construed as to limit the reasonable number of alternate supervising physicians provided they are designated by the supervising physician. (Section 4 of the Act [225 ILCS 95/4])~~

"Collaborating Physician" means a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60] and who is the collaborating physician of the physician assistant in accordance with Section 4(7) of the Act. A collaborating physician may collaborate with a maximum of 7 full-time equivalent physician assistants. A physician licensed to practice medicine in all its branches may collaborate with more than 7 physician assistants when the services are provided in a federal primary care health professional shortage area with a Health Professional Shortage Area score greater than or equal to 12, as determined by the U.S. Department of Health and Human Services. The collaborating physician must keep appropriate documentation of meeting this exemption and make it available to the Department upon request. (Section 54.5 (a-5) of the Medical Practice Act of 1987.)

"Department" means the Department of Financial and Professional Regulation of the State of Illinois.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

"Disciplinary Board" means the Medical Disciplinary Board established pursuant to Section 7 of the Medical Practice Act [225 ILCS 60].

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Licensing Board" means the Medical Licensing Board established pursuant to Section 8 of the Medical Practice Act.

"Mid-level Practitioner Controlled Substances License" means a license issued by the Division pursuant to the Illinois Controlled Substances Act to a licensed physician assistant who has been delegated prescriptive authority by a ~~collaborating~~supervising physician for Schedule II, III, IV and/or V controlled substances.

"Physician Assistant" means a person licensed by the Division and who practices in accordance with the provisions set forth in the Physician Assistant Practice Act of 1987. A physician assistant is only authorized to practice within the current scope of practice of the ~~collaborating~~supervising physician/~~alternate supervising physician~~ and is further limited by his/her education, training and experience.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

~~"Supervising Physician" means a physician licensed to practice medicine in all of its branches under the Medical Practice Act and who is the primary supervising physician of the physician assistant in accordance with Section 4(7) of the Act. No more than two physician assistants shall be supervised by the supervising physician, although a physician assistant shall be able to hold more than one professional position. (Section 7 of the Act)~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.25 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The fee for application for a license as a physician assistant is \$50.

b) Renewal Fees.

The fee for the renewal of a license shall be calculated at the rate of \$40 per year.

c) General Fees.

1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.

~~2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.~~

~~2)3) The fee for a certification of a licensee's record for any purpose is \$20.~~

~~4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.~~

~~3)5) The fee for a roster of persons licensed as physician assistants in this State shall be the actual cost of producing ~~the~~ such a roster.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.30 Approved Programs

A program approved by the Division shall consist of one of the following:

- a) A program that has been approved by the Accreditation Review Commission on Education for the Physician Assistant~~Committee on Allied Health Education and Accreditation of the American Medical Association~~, or its successor agency as approved by the Division, for the training of physician assistants; or
- b) Educational programs that meet the criteria specified by the National Commission on Certification of Physician Assistants, or its successor agency as

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

approved by the Division, for eligibility to the Certifying Examination.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.40 Application for Licensure

- a) An applicant for licensure as a physician assistant shall file an application on forms provided by the Division. The application shall include:
- 1) Current valid certification issued by the National Commission on Certification of Physician Assistants (NCCPA) or its successor agency as approved by the Division. If the applicant is unable to provide proof of current valid certification, the applicant shall provide:
 - ~~A)1)~~ Certification of graduation from an approved program that meets the requirements set forth in Section 1350.30 ~~of this Part~~ or certification from the National Commission on Certification of Physician Assistants, or its successor agency as approved by the Division, that the applicant has substantially equivalent training and experience; and
 - ~~B)2)~~ Certification of successful completion of the Physician Assistant National Certifying Examination. The certification shall be forwarded to the Division from the National Commission on Certification of Physician Assistants, or its successor agency as approved by the Division;
 - ~~3)~~ ~~Current valid certification issued by the National Commission on Certification of Physician Assistants (NCCPA) or its successor agency;~~
 - ~~2)4)~~ A certification from the jurisdiction of original licensure and current licensure stating (if applicable):
 - A) The date of issuance and status of the license; and
 - B) Whether the records of the licensing authority contain any record of disciplinary actions taken or pending;
 - ~~3)5)~~ The fee required in Section 1350.25 ~~of this Part~~.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- b) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of ~~collaboration~~employment has been filed in accordance with Section 1350.100 ~~of this Part~~.
- c) The ~~collaborating~~supervising physician shall submit a notice of prescriptive authority indicating the physician assistant has been delegated prescriptive authority. If the physician assistant has a written collaborative agreement with ~~supervised by~~ more than one physician, a separate notice of prescriptive authority shall be submitted by each ~~collaborating~~supervising physician. In addition, if prescriptive authority includes Schedule II, III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.55 Prescriptive Authority

- a) *A ~~collaborating~~supervising physician may, but is not required to, delegate limited prescriptive authority to a physician assistant. This authority may, but is not required to, include prescription and dispensing of legend drugs and ~~legend~~ controlled substances categorized as Schedule II, III, IV, or V controlled substances, as defined in Article II of the Illinois Controlled Substances Act [720 ILCS 570] and other preparations, including but not limited to, botanical and herbal remedies, as delegated in the written guidelines required by the ~~Physician Assistant Practice Act of 1987~~. ~~To prescribe Schedule III, IV, or V controlled substances under this Section, a physician assistant must obtain a mid-level practitioner controlled substances license. Medication orders issued by a physician assistant shall be reviewed periodically by the supervising physician. The supervising physician shall file with the Division notice of delegation of prescriptive authority to a physician assistant and termination of delegation, specifying the authority delegated or terminated. Upon receipt of this notice delegating authority to prescribe Schedule III, IV, or V controlled substances, the physician assistant shall be eligible to register for a mid-level practitioner controlled substances license under Section 303.05 of the Illinois Controlled Substances Act. Nothing in this Act shall be construed to limit the delegation of tasks or duties by the supervising physician to a nurse or other appropriately trained personnel.~~ The collaborating physician must have a valid, current Illinois*

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

controlled substance license and federal registration with the Drug Enforcement Agency to delegate the authority to prescribe controlled substances. (Section 7.5 of the Act)

- b) Pursuant to Section 7.5(b)(3) of the Act, a collaborating physician may, but is not required to, delegate authority to a physician assistant to prescribe Schedule II controlled substances by oral dosage or topical or transdermal application, if all of the following conditions apply:
- 1) the delegated Schedule II controlled substance is specially identified by either brand name or generic name. Schedule II controlled substances to be delivered by injection or other route of administration may not be delegated;~~If the supervising physician has delegated prescriptive authority to the physician assistant, the written guidelines shall include a statement indicating that the supervising physician has delegated prescriptive authority for legend drugs and any schedule of controlled substances. The delegation must be appropriate to the physician's practice and within the scope of the physician assistant's training.~~
 - 2) the delegated Schedule II controlled substances are routinely prescribed by the collaborating physician or podiatric physician;~~The written guidelines shall be signed by both the physician and the physician assistant and a copy maintained at each location where the physician assistant practices along with the physician assistant's state controlled substance license number and the Drug Enforcement Administration (DEA) registration number.~~
 - 3) any prescription must be limited to no more than a 30-day supply, with any continuation authorized only after prior approval of the collaborating physician;
 - 4) the physician assistant must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the collaborating physician; and
 - 5) the physician assistant meets the education requirements of Section 303.05 of the Illinois Controlled Substances Act.
- c) A physician assistant who has been delegated prescriptive authority shall be

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

required to obtain a mid-level practitioner-controlled substances license under Section 303.05 of the Illinois Controlled Substances Act. The collaborating physician shall file with the Department notice of delegation of prescriptive authority to a physician assistant and termination of delegation, specifying the authority delegated or terminated.

- d) A collaborating physician and physician assistant shall have written guidelines that govern the physician assistant delegated prescriptive authority. The written guidelines shall include a statement indicating that the collaborating physician has delegated prescriptive authority for legend drugs and any schedule of controlled substances. The delegation must be appropriate to the physician's practice and within the scope of the physician assistant's training. The written guidelines shall be signed by both the physician and the physician assistant. A copy of the written guidelines, the physician assistant's state-controlled substance license number and the Drug Enforcement Administration (DEA) registration number shall be maintained at each location where the physician assistant practices.
- e) A physician assistant may only prescribe or dispense prescriptions or orders for drugs and medical supplies within the scope of practice of the collaborating supervising physician ~~or alternate supervising physician~~.
- f) The name of the collaborating supervising physician shall appear on any prescription written by the physician assistant.
- g) Medication orders issued by a physician assistant shall be reviewed periodically by the collaborating physician.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.60 Identification

- a) When rendering medical services, a physician assistant shall at all times wear an identification badge on an outer garment and in plain view, which shall state the physician assistant's name and title.
- b) Each person shall be informed that he/she is being treated by a physician assistant and shall be provided with the name of the collaborating supervising physician ~~or alternate supervising physician~~.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.80 ~~Supervision of Performance~~ of Collaborative Agreement

- a) The ~~collaborating~~supervising physician/~~alternate supervising physician~~ shall maintain the final responsibility for the care of the patient and the performance of the physician assistant.
- b) Delegated procedures and tasks performed by the physician assistant shall be within the current scope of practice of the ~~collaborating~~supervising physician ~~or designated alternate supervising physician~~ with whom the physician assistant is working at the time.
- c) The ~~collaborating~~supervising physician may collaborate with a maximum of 7 full-time equivalent physician assistants as described in Section 54.5 of the Medical Practice Act of 1987~~supervise no more than two physician assistants~~. However, a physician assistant shall be able to hold more than one professional position.
- d) The physician may collaborate with more than 7 physician assistants when the services are provided in a federal primary care health professional shortage area with a Health Professional Shortage Area score greater than or equal to 12, as determined by the U.S. Department of Health and Human Services. The collaborating physician must keep appropriate documentation of meeting this exemption and make it available to the Department upon request. (Section 54.5 (a-5) of the Medical Practice Act of 1987.)~~Any time the supervising physician is unable to provide the appropriate supervision to the physician assistant, he/she shall designate an alternate supervising physician to provide the supervision. The name of the alternate supervising physician shall be identified in the guidelines established by the supervising physician. It is the responsibility of the supervising physician to maintain documentation each time he or she has designated an alternative supervising physician. This documentation shall include the date alternate supervisory control began, the date alternate supervisory control ended, and any other changes. A supervising physician shall provide a copy of this documentation to the Division, upon request. (Section 7 of the Act)~~
- e) ~~When under supervision of an alternate supervising physician, the physician assistant may carry out those duties that are contained within the established guidelines of the physician/physician assistant team. An alternate supervising~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

~~physician shall be subject to the same supervision responsibilities as the supervising physician.~~

- e) ~~f)~~ It is the responsibility of the ~~collaborating~~supervising physician to direct and review the work, records and practice of the physician assistant on a timely basis to ensure that appropriate directions are given and understood and that appropriate treatment is being rendered.
- f) ~~g)~~ In the event that the ~~collaborating~~supervising physician is not present in the same facility as the physician assistant, the ~~collaborating~~supervising physician should be within reasonable travel distance from the facility so that the ~~collaborating~~supervising physician can personally assure the proper care of his/her patients.
- g) ~~h)~~ The ~~collaborating~~supervising physician shall have full authority and responsibility to direct, supervise and limit the role of a physician assistant. Nothing contained herein shall be deemed to alter the fact that a physician assistant shall continue to bear responsibility for his/her actions to the extent that the physician assistant fails to comply with physician directives or is not carrying out those directives in a professional and appropriate manner in conformance with his/her training.
- h) ~~i)~~ The physician assistant shall only work under the direction of the current ~~collaborating physicians~~supervising physician or alternate supervising physician and may undertake patient care responsibilities only for the patients of the ~~collaborating physicians~~supervising physician or alternate supervising physician.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.90 Scope and Function

- a) A physician assistant may provide medical/surgical services delegated to him/her by the ~~collaborating physicians~~supervising physician(s) when such services are within his/her skills and within the current scope of practice of the ~~collaborating~~supervising physician/~~alternate supervising physician~~ and are provided under the ~~collaborations~~supervision and direction of the ~~collaborating~~supervising physician/~~alternate supervising~~ physician.
- b) The physician/physician assistant team shall establish written guidelines that are individual to the physician assistant in the practice setting and keep those

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

guidelines current and available in the ~~collaborating~~supervising physician's office or location where the physician assistant is practicing.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.100 Notification of ~~Collaborative Agreement~~Employment

- a) ~~Prior to a~~A physician assistant ~~performingshall not perform~~ any medical procedure or other task delegated by a ~~collaboratingsupervising~~ physician, ~~the collaborating physician must file with the Division notice of employment or collaboration until written notice of the employment and the assumption of supervisory control of the physician assistant by the supervising physician is received and acknowledged by the Division. In addition, if an alternate supervising physician will be supervising a physician assistant in the absence of the primary supervising physician, documentation shall be maintained by the primary supervising physician. The documentation shall include the date alternate supervisory control began, the date alternate supervisory control ended, and any other changes.~~
- b) ~~At the termination of a collaborative agreement or employment of a physician assistant, the collaborating physician shall give~~ If a physician assistant ceases to be in the supervisory control of the supervising physician whose notice of employment is currently on file with the Division, the supervising physician shall ~~give~~ written notice to the Division within 10 days after the termination of employment or ~~agreementsupervisory control~~.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.110 Employment by a Professional Corporation or Partnership

Whenever a physician assistant is employed by a ~~collaboratingsupervising~~ physician who is a member of a professional corporation or partnership or whenever the ~~collaboratingsupervising~~ physician or the physician assistant is an employee of a professional corporation or partnership, the ~~collaboratingsupervising~~ physician shall maintain the responsibility for ~~supervision of~~ the physician assistant and for the care and treatment of the persons attended by the physician assistant. Responsibility for ~~the physician assistantsuch supervision~~ cannot be transferred to such corporation or partnership.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 1350.112 Employment by a Hospital, Hospital Affiliates or Ambulatory Surgical Treatment Centers

- a) A physician assistant may provide services in a hospital, a hospital affiliate, or a licensed ambulatory surgical treatment center without a written collaborative agreement pursuant to Section 7.5 of the Act. The physician assistant employed by a hospital, hospital affiliate or ambulatory surgical treatment center is not required to file a notice of employment or collaborative agreement with the Division.
- b) A physician assistant must possess clinical privileges recommended by the hospital medical staff and granted by the hospital or the consulting medical staff committee and ambulatory surgical treatment center in order to provide services. The medical staff or consulting medical staff committee shall periodically review the services of physician assistants granted clinical privileges, including any care provided in a hospital affiliate.
- c) The attending physician shall determine a physician assistant's role in providing care for his or her patients, except as otherwise provided in the medical staff bylaws or consulting committee policies.
- d) A physician assistant practicing in a hospital affiliate may be, but is not required to be, granted authority to prescribe Schedule II through V controlled substances when that authority is recommended by the appropriate physician committee of the hospital affiliate and granted by the hospital affiliate. To prescribe controlled substances, the physician assistant must obtain a mid-level practitioner-controlled substance license.
- e) A hospital affiliate shall file with the Department notice of a grant of prescriptive authority and termination of that grant of authority in accordance with rules of the Department.
- f) A physician assistant practicing in a hospital, hospital affiliate, or ambulatory surgical treatment center in accordance with Section 7.7 of the Act is not required to apply for a mid-level license in accordance with the Illinois Controlled Substances Act to order controlled substances under Section 303.05 of the Illinois Controlled Substances Act.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1350.115 Renewals

- a) All licenses issued under the Act shall expire on March 1 of each even-numbered year. The holder of a license may renew the license during the month preceding the expiration date by paying the required fee. ~~If the supervising physician indicated on the renewal application is different from that on file with the Division, a current Notification of Employment shall be filed pursuant to Section 1350.100.~~
- b) It is the responsibility of each physician assistant to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on an expired license shall be considered unlicensed practice and shall be grounds for discipline pursuant to Section 21 of the Act.
- d) Email address of record.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.116 Continuing Education

- a) Continuing Education (CE) Requirements
 - 1) Beginning with the March 2, 2020 renewal period, all licensed physician assistants shall complete 50 hours of approved CE per 2-year license renewal cycle.
 - 2) All CE must be completed in the 24 months preceding expiration of the license.
 - 3) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 4) Physician assistants licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 5) CE hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois pursuant to subsection (e).
- b) CE hours shall be earned by, but not limited to, verified attendance at (e.g., certificate of attendance or certificate of completion) or participation in a program or course (program) as follows:
 - 1) CE hours shall be earned as follows:
 - A) A minimum of 25 hours of required CEs must be earned in Category 1 CMEs as determined by the National Commission on Certification of Physician Assistants; and
 - B) 25 credit hours of required CEs can be Category 1, Category 2 or a combination of both.
 - 2) Category 1 CME
 - A) Regular. Programs offered by sponsors set forth in subsection (c)(1);
 - B) Certifications Programs. Certification and recertification programs that are preapproved (sponsored) by the American Academy of Physician Assistants (AAPA) for a maximum number of Category 1 credits.
 - C) Performance Improvements (PI-CME). Programs that offer a systematic approach to planning, implementing, and assessing quality improvement in the clinical practice setting.
 - D) Self-assessment. Programs that focus on the process of conducting a systematic review of one's own performance, knowledge base or skill set to improve future performance, expand knowledge or hone skills. Self-Assessment CME is intended primarily to address physician assistant competencies related to knowledge, patient care, and practice-based learning and improvement.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 3) Category 2 CE is any educational activity that relates to medicine, patient care or the role of the physician assistant that has not been designated for Category 1 credit.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section shall mean:
 - A) American Academy of Family Physicians (AAFP);
 - B) American Academy of Physician Assistants (AAPA);
 - C) American Medical Association (AMA) (providers accredited by ACCME);
 - D) American Osteopathic Association (AOA); or
 - E) Any other accredited school, college or university, State agency or association approved by the Department.
 - 2) All programs shall:
 - A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the profession of physician assistants;
 - B) Foster the enhancement the physician assistant profession and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 3) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program/presentation, or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 4) A sponsor approved pursuant to subsection (c)(1) may subcontract with individuals or organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the approved sponsor. The presenter of the program may also be identified but should be identified as a presenter. When an approved sponsor subcontracts with a presenter, the sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 5) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The sponsor's name and, if applicable, sponsor approval number;
 - B) The name of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 6) The sponsor shall maintain attendance records for not less than 5 years.
- 7) The sponsor shall be responsible for assuring that no renewal applicant will receive CE credit for time not actually spent attending the program.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 8) Upon the failure of a sponsor to comply with any of the requirements of this subsection (c), the Division, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE attendance at or participation in any of that sponsor's CE programs until the Division receives assurances of compliance with this Section.
 - 9) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b).
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificates of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education (CE) Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3).

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request with the \$25 processing fee plus a late fee of \$50 per CE hour, not to exceed \$300. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3).
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application, along with the required fee set forth in Section 1350.25(b), an affidavit setting forth the facts concerning noncompliance and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Division will waive enforcement of CE requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
- A) Full-time service in the Armed Forces of the United States during a substantial part of the prerenewal period;
- B) An incapacitating illness documented by a statement from a currently licensed health care provider;
- C) A physical inability to access the sites of approved programs documented by a currently licensed health care provider; or
- D) Any other similar extenuating circumstances.
- 3) When the licensee is requesting a waiver due to physical or mental illness or incapacity, the licensee shall provide a current fitness to practice statement from a currently licensed health care provider familiar with the licensee's medical history.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 4) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division.

(Source: Section 1350.116 renumbered to Section 1350.117, new Section 1350.116 adopted at 43 Ill. Reg. _____, effective _____)

Section 1350.~~117~~116 Restoration

- a) A person seeking restoration of a license that has expired for 3 years or less shall have the license restored upon payment of all lapsed renewal fees required by Section 1350.25 and proof of completion of the CE required under Section 1350.116 of this Part.
- b) A person seeking restoration of a license that has been placed on inactive status for 3 years or less shall have the license restored upon payment of the current renewal fee and proof of completion of the CE required under Section 1350.116.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Division, proof of completion of the CE required under Section 1350.116 and the fee required by Section 1350.25 ~~of this Part.~~ The person shall also submit either:
- 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 15 of the Act; or
 - 3) Successful completion of the examination administered by and proof of current certification from the National Commission on the Certification of Physician Assistants or its successor agency.
- d) When the accuracy of any submitted documentation or the relevance or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

sufficiency of the course work or experience is questioned by the Division because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to:

- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Advisory Committee to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflict in information. Upon the recommendation of the Licensing Board and approval by the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.
- e) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of ~~collaboration~~~~employment~~ has been filed in accordance with Section 1350.100 ~~of this Part~~.
- f) The ~~collaborating~~~~supervising~~ physician shall submit a notice of prescriptive authority indicating the physician assistant has been delegated prescriptive authority. If the physician assistant ~~has a written collaborative agreement with~~ ~~supervised by~~ more than one physician, a separate notice of prescriptive authority shall be submitted by each ~~collaborating~~~~supervising~~ physician. In addition, if prescriptive authority includes Schedule II, III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

(Source: Renumbered from Section 1350.116 and amended at 43 Ill. Reg. _____, effective _____)

Section 1350.~~118~~117 Endorsement

- a) An applicant for licensure as a physician assistant who is licensed under the laws of another state shall file an application with the Division that shall include:
 - 1) A certification from the ~~jurisdiction~~~~jurisdiction~~ of original licensure and current licensure stating:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- A) The date of issuance and status of the license; and
 - B) Whether the records of the licensing authority contain any record of any disciplinary actions taken or pending;
- 2) Proof of one of the following:
- ~~A)2)~~ Current valid certification issued by the National Commission on Certification of Physician Assistants (NCCPA) or its successor agency; or
 - ~~B)3)~~ Certification of successful completion of the Physician Assistant National Certifying Examination given by the National Commission on Certification of Physician Assistants, or its successor agency;
- ~~3)4)~~ The required fee set forth in Section 1350.25 ~~of this Part.~~
- b) The Division shall examine each endorsement application to determine whether the requirements in the other state at the date of licensing were substantially equivalent to the requirements then in force in this State or equivalent to the requirements of the Act. The Division shall either issue a license by endorsement or notify the applicant of the reasons for the denial of the application.
 - c) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of collaboration-employment has been filed in accordance with Section 1350.100 ~~of this Part.~~
 - d) The collaboratingsupervising physician shall submit a notice of prescriptive authority indicating the physician assistant has been delegated prescriptive authority. If the physician assistant has a written collaborative agreement withis supervised by more than one physician, a separate notice of prescriptive authority shall be submitted by each collaboratingsupervising physician. In addition, if prescriptive authority includes Schedule II, III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Renumbered from Section 1350.117 and amended at 43 Ill. Reg. _____, effective _____)

Section 1350.120 Granting Variances

a) The Director may grant variances from this Part in individual cases when he/she finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
 - b) No party will be injured by the granting of the variance; and
 - c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) ~~The Director shall notify the Medical Licensing Board and the Advisory Committee of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Licensing Board.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1350.130 Dishonorable, Unethical or Unprofessional Conduct

- a) The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its findings of dishonorable, unethical or unprofessional conduct (see Section 21(a)(8) of the Act), which includes but is not limited to, the following acts or practices:
- 1) Engaging in conduct likely to deceive, defraud or harm the public, or demonstrating a willful disregard for the health, welfare or safety of a patient. Actual injury need not be established.
 - 2) A departure from or failure to conform to the standards of practice as set forth in the Act or this Part. Actual injury to a patient need not be established.
 - 3) Engaging in behavior that violates professional boundaries (such as signing wills or other documents not related to client health care).

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 4) Engaging in sexual conduct with a patient or conduct that may reasonably be interpreted by a patient as sexual, or behavior that is sexually harassing to a patient, including any verbal behavior that is sexual harassing.
 - 5) Demonstrating actual or potential inability to practice with reasonable skill, safety or judgment by reason of illness, use of alcohol, drugs, chemicals or any other material or as a result of any mental or physical condition.
 - 6) Misrepresenting educational background, training, credentials, competence or medical staff memberships.
 - 7) Committing any other act or omission that breaches the physician assistant's responsibility to a patient according to accepted medical standards of practice.
- b) The Division hereby incorporates by reference the "Guidelines for Ethical Conduct for the PA Profession", 2013, American Academy of PAs, 2318 Mill Road, Suite 13600, Alexandria VA 22314, with no later amendments or editions.
- c) The Division hereby incorporates by reference the "Guidelines for the Chronic Use of Opioid Analgesics," Federation of State Medical Boards, April 2017, 400 Fuller Wiser Road, Suite 300, Euless TX 76039. No later amendments or editions are included.

(Source: Added at 43 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
50.230	Amendment
50.320	Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13] and 45 CFR 98.
- 5) A Complete Description of the Subjects and Issues involved: To comply with federal regulation, 45 CFR 98, this rulemaking allows children who turn age 13 (19 for children under court order or with special needs) during an approved eligibility period to remain in the Child Care Assistance Program (CCAP) through the entire eligibility period, instead of only through the month that their birthday falls. This rulemaking also provides a 3-tier income eligibility structure that sets initial application income levels at 200% of the Federal Poverty Level (FPL), 225% of FPL for existing cases that are having their eligibility redetermined, and a 3-month graduated phase-out period for families whose income fall between 225% FPL and 85% of the State Medium Income (SMI). In addition, this rulemaking adjusts the amounts of the maximum monthly income and the parent co-payment fee for CCAP. Finally, this rulemaking extends the GPA grace period for clients in educational activities from one semester to one Child Care Assistance Program eligibility period.
- 6) Any published studies or reports, along with the sources of underlying data that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these amendments within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762
- 217/785-9772
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect businesses that provide child care services.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because the need for it was not anticipated at the time agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.105	Definitions
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider (Repealed)
50.250	Additional Service to Secure or Maintain Child Care
50.260	Job Search (Repealed)

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: PROVIDER REQUIREMENTS

Section	
50.400	Purpose
50.410	Qualified Provider

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 50.420 Provider Registration and Certification Requirements
- 50.430 Provider Background Checks
- 50.440 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

- Section
- 50.510 Great START Program
- 50.520 Method of Providing the Wage Supplement
- 50.530 Eligibility
- 50.540 Employer Responsibility
- 50.550 Notification of Eligibility
- 50.560 Phase-in of Wage Supplement Scale
- 50.570 Wage Supplement Scale
- 50.580 Evaluation

SUBPART F: CHILD CARE COLLABORATION PROGRAM

- Section
- 50.610 Child Care Collaboration Program
- 50.620 Approvable Models of Collaboration
- 50.630 Requirements for Approval in the Child Care Collaboration Program
- 50.640 Notification of Eligibility
- 50.650 Rules and Reporting for the Child Care Collaboration Program

SUBPART G: GATEWAYS TO OPPORTUNITY CREDENTIALS

- Section
- 50.710 Gateways to Opportunity, the Illinois Professional Development System
- 50.720 Gateways to Opportunity Credentials
- 50.730 Application for Credentials
- 50.740 Framework for Gateways to Opportunity Credentials
- 50.750 Professional Knowledge
- 50.760 Gateways to Opportunity Registry

SUBPART H: STAFF QUALIFICATIONS AND TRAINING STANDARDS

- Section
- 50.800 Purpose

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 50.810 Applicability
50.820 Staff Qualifications for License Exempt School-Age Providers
50.830 Training Standards for License Exempt School-Age Providers

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

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired on November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amendment at 35 Ill. Reg. 1397, effective January 6, 2011; amended at 35 Ill. Reg. 3993, effective February 25, 2011; emergency amendment at 35 Ill. Reg. 6583, effective April 1, 2011, for a maximum of 150 days;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

emergency expired August 28, 2011; amended at 35 Ill. Reg. 8878, effective May 25, 2011; amended at 36 Ill. Reg. 1564, effective January 17, 2012; amended at 36 Ill. Reg. 12104, effective July 10, 2012; amended at 36 Ill. Reg. 14513, effective September 12, 2012; amended at 36 Ill. Reg. 16085, effective October 29, 2012; amended at 38 Ill. Reg. 18490, effective August 22, 2014; amended at 38 Ill. Reg. 19513, effective September 17, 2014; emergency amendment at 39 Ill. Reg. 10072, effective July 1, 2015, for a maximum of 150 days; emergency rule modified in response to JCAR objection at 39 Ill. Reg. 15158, effective November 9, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 15540, effective November 23, 2015; emergency amendment at 41 Ill. Reg. 12890, effective October 1, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 3745, effective February 7, 2018; amended at 42 Ill. Reg. 8491, effective May 8, 2018; emergency amendment at 42 Ill. Reg. 13898, effective July 1, 2018, for a maximum of 150 days; amended at 42 Ill. Reg. 22555, effective November 27, 2018; amended at 43 Ill. Reg. _____, effective _____.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

- a) To the extent resources permit, it is the intent of the Department to provide child care services to all applicants that meet the eligibility requirements set forth in this Section. If it is necessary to limit participation to stay within the amounts appropriated or resources available to the Department for child care services, participation will be limited to the priority service groups specified in subsection (c)(6) and that limitation in participation shall remain until such time as sufficient resources are available to serve all eligible applicants.
- b) To be eligible for child care services, a child shall at the time of eligibility determination or redetermination:
 - 1) be under 13 years of age (if a child turns 13 years old during the eligibility period, that child shall remain eligible for CCAP for the remainder of the eligibility period); or
 - 2) be under age 19 and under court supervision or have physical, developmental, or intellectual disabilities as documented by a statement from a local health provider or other health professional.

~~Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~documented by a statement from a local health provider or other health professional.~~

c) Parents and other relatives eligible to receive child care services include:

- 1) ~~Clients who receive~~Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and/or training-related activities as specified in their Responsibility and Service Plan (RSP) (see 89 Ill. Adm. Code 112.74) as approved by the Department's TANF case worker.
- 2) Working families, including teen parents enrolled full-time in elementary or high school or General Education Development (GED) classes to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size at the time of initial program application:

Family Size	Gross Monthly Base Income
2	\$2,819 <u>2,538</u>
3	\$3,553 <u>3,204</u>
4	\$4,292 <u>3,870</u>
5	\$5,029 <u>4,536</u>
6	\$5,765 <u>5,202</u>
7	\$6,502 <u>5,868</u>
8	\$7,239 <u>6,534</u>
9	\$7,975 <u>7,200</u>
10	\$8,712 <u>7,866</u>

The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current Federal Poverty Level (FPL)~~federal poverty level~~ for each family size.

- 3) At the end of each eligibility period, families must fall into the following income guidelines to remain eligible for another 12-month eligibility period:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

<u>Family Size</u>	<u>Gross Monthly Base Income</u>
<u>2</u>	<u>\$3,171</u>
<u>3</u>	<u>\$4,000</u>
<u>4</u>	<u>\$4,829</u>
<u>5</u>	<u>\$5,657</u>
<u>6</u>	<u>\$6,486</u>
<u>7</u>	<u>\$7,315</u>
<u>8</u>	<u>\$8,144</u>
<u>9</u>	<u>\$8,929</u>

These income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current FPL for each family size.

- 4) Any time a family's countable income exceeds 85% of the State Medium Income (SMI), the case will be canceled 10 calendar days after the date the termination notice was sent to the family and providers.

<u>Family Size</u>	<u>Gross Monthly Base Income</u>
<u>2</u>	<u>\$4,307</u>
<u>3</u>	<u>\$5,320</u>
<u>4</u>	<u>\$6,333</u>
<u>5</u>	<u>\$7,346</u>
<u>6</u>	<u>\$8,359</u>
<u>7</u>	<u>\$8,549</u>
<u>8</u>	<u>\$8,739</u>

These income guidelines will be indexed annually so that the thresholds are no less and no more than 85% of the most current SMI level for each family size.

- 5) If the countable income for a family is between 225% FPL and 85% SMI at the end of an eligibility period, and all other eligibility factors are met, the family will be eligible for a 90-day graduated phase-out period that begins the first day of the new eligibility period. If the family requests child care assistance at any time after the graduated phase-out period, the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

request must be treated as a new application and the family must have family income below 200% of FPL to qualify.

- 6) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (c)(2). Clients can be approved for education/training activities that will lead to multiple certificates within a designated career path (e.g., from Certified Nursing Assistant to Licensed Practical Nurse, ~~for example~~) or Associate Degrees, but only the first Bachelor's Degree. Clients may also be approved for additional vocational certificate programs if they are beginning a new career path in a new field or if classes are required to remain certified in their current employment. Child care services approved under this Part must be reasonably related to the education or training activity, including class hours and research, study, laboratory, library and transportation time, and unpaid educationally required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Teen parents enrolled full-time in elementary or high school or GED classes will be eligible for full-time, full-year child care, including summers, when using a licensed child care provider, up to and including a three-month period after graduation, in order to secure employment or to prepare for higher education. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income, when added to the income of the other person, does not exceed the monthly income ceiling in subsection (c)(2) for that family size. All education programs under this Part must be administered by an educational institution accredited under requirements of State law, including, but not limited to, the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 [225 ILCS 410], the Real Estate Act of 2000 [225 ILCS 454], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State University Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690], or the Department of Financial and Professional Regulation. Social service agencies that provide recognized English as a Second

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Language (ESL) and other adult education courses and programs are not required to hold or maintain any separate type of accreditation, as long as the program they offer is supported by an accredited institution.

A) Below Post-Secondary Education Eligibility and Participation Requirements

This category of education includes literacy and other adult basic education, English as a Second Language, and GED preparation programs. Clients/applicants who have already earned a vocational certificate are still eligible for below post-secondary education activities if they have not already earned a high school diploma or GED certificate.

- i) There is no work requirement for the first 24 non-consecutive months the client participates. Families eligible to receive child care services while they attend an education or training program under this Section must not already possess a Bachelor's, Master's or Doctorate Degree.
- ii) From the 25th month on, the client must work at least 20 hours per week. Child care provided to a teen parent to obtain a high school diploma or its equivalent does not count against this 24-month limit. Individuals enrolled in below post-secondary education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The ~~client/individual~~ will be allowed one ~~eligibility period/semester~~ below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of ~~each eligibility period/the academic term or twice a year if the program is continuous for 12 months.~~

B) Vocational Education Eligibility and Participation Requirements

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Programs in this category of education may be offered by a public community college, public or private university, or private business/technical school.

- i) The program usually results in the receipt of a Certificate of Achievement or Completion and/or prepares the client for a specific job or to obtain a license required by some occupations. Families eligible to receive child care services while they attend an education or training program under this Section must not already possess a Bachelor's, Master's or Doctorate Degree. Clients/applicants may be approved for multiple vocational certificate programs if they are within a designated career path (e.g., from Certified Nursing Assistant to Licensed Practical Nurse, ~~for example~~) or are beginning a new career path in a new field, or if classes are required to remain certified in their current employment.
 - ii) There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Individuals enrolled in vocational education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The ~~client/individual~~ will be allowed one ~~eligibility period/semester~~ below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of ~~each eligibility period/the academic term or twice a year if the program is continuous for 12 months.~~
- C) Post-Secondary Education
- i) This category of education includes all undergraduate college level courses that could result in an Associate or the client's first Bachelor's Degree. Families eligible to receive

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

child care services while they attend an education or training program under this Section must:

- be enrolled in a program accredited under requirements of State law as stated in subsection (c)(3).
 - not already have a Bachelor's, Master's or Doctorate Degree, if requesting child care to earn an Associate Degree. Child care will not be approved for attainment of a second Associate Degree.
 - not be in an, or have completed an, advanced degree program (beyond a Bachelor's Degree). Child care will not be approved for education beyond the attainment of a Bachelor's Degree.
- ii) There is no work requirement for the first 48 non-consecutive months the client participates. From the 49th month on, the client must work at least 20 hours per week. Clients who do not work and who need child care to attend college must maintain a 2.5 grade point average (GPA) (on a 4.0 scale) if this measurement is used by the institution to determine satisfactory progress. Clients who work 20 hours or more per week in paid employment while they attend college must maintain a 2.0 GPA (on a 4.0 scale). In the absence of a GPA, satisfactory progress will be determined by the written policy of the institution. The determination of satisfactory progress, including test/retest results or GPA, must be reported upon completion of each eligibility period~~the academic term or twice a year if the program is continuous for 12 months~~. If the client's GPA falls below 2.5 or 2.0 for those students who work or at any time the client does not maintain satisfactory progress, the client may continue to go to school for another eligibility period~~semester~~. If the GPA is below 2.5 or 2.0 two eligibility periods~~semesters~~ in a row, the client will be ineligible for child care until his or her GPA is at or above 2.5 or 2.0.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- D) For child care services received under education/training, a parent enrolled in web-based courses or correspondence learning from an accredited university or college is only eligible for child care assistance if both of the following are met:
- i) The class is offered only at a regularly scheduled time (i.e., 11:00 a.m. every Monday and Wednesday) or the parent must leave the home to have access to a computer.
 - ii) The child or children for whom care is requested must be under the age of six, except during the summer or school breaks. Care shall not be authorized during the hours the child is in school or is home schooled, or if the child is in a two-parent family when the other parent is available to care for the child.
- E) **Study Time**
Child care services may be granted for up to one hour of study time per week for each classroom hour or course credit. When possible, study periods should be arranged around regularly scheduled classes in order to provide a consistent and uninterrupted routine for children in care. Study time granted to add an extra day of care must be approved first by the Department's Bureau of Child Care and Development Policy Unit.
- 4) Relatives (other than parents) who receive child-only TANF benefits as a Representative Payee for children in need of care while they work.
- 5) Families with active CCAP cases in which all parents in the household are called into active military duty and the relative caregivers are employed or in an approved education/training activity.
- 6) In the event the Department must limit participation due to insufficient appropriations or available resources, applicants included in the priority service groups are:
- A) Recipients of Temporary Assistance for Needy Families as described in subsection (c)(1);

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) Teen parents enrolled full-time in elementary school, high school or GED classes to obtain a high school degree or its equivalent;
 - C) Families engaged in an eligible employment and/or educational activity with a special needs child and family income that does not exceed 185% of FPL for their family size;
 - D) Working families whose monthly incomes do not exceed 185% of the most current FPL Federal Poverty Level for their family size;
 - E) Families that are not recipients of TANF whose monthly incomes do not exceed 185% of the most current FPL for their family size that need child care assistance to participate in education and training.
- d) All families must reside in~~be residents of~~ Illinois.
- e) Payment for child care services to eligible parents may begin:
- 1) if care was provided at the time and all eligibility factors are met, on either:
 - A) the date of the parent's signature on the Child Care Assistance Program (CCAP) application (Form 444-3455); or
 - B) one week (seven calendar days) prior to the stamped date of receipt of the Child Care Assistance Program (CCAP) application (Form 444-3455) by the Department or its agents, whichever is later; or
 - 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.
- f) Approval of payments will~~Eligibility cease no less than~~ 10 calendar days after~~from~~ the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility. Care will be terminated immediately if it is determined the child is no longer enrolled with the approved provider or the family requests that its case be terminated.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART C: PAYMENT FEES

Section 50.320 Maximum Monthly Income and Parent Fee by Family Size and Income Level

Family Size 2	
Monthly Income	Monthly Co-Pay
\$ 0 - 564549	\$ 2.00
565 - 705550 - 686	3.00
706 - 846687 - 823	11.00
847 - 987824 - 961	18.00
988 - 1,128962 - 1,098	28.00
1,129 - 1,2691,099 - 1,235	40.00
1,270 - 1,4101,236 - 1,372	55.00
1,411 - 1,5511,373 - 1,509	71.00
1,552 - 1,6911,510 - 1,646	89.00
1,692 - 1,8321,647 - 1,784	109.00
1,833 - 1,9731,785 - 1,921	131.00
1,974 - 2,1141,922 - 2,058	155.00
2,115 - 2,2552,059 - 2,195	181.00
2,256 - 2,3962,196 - 2,332	209.00
2,397 - 2,5372,333 - 2,469	222.00 239.00
2,538 - 2,6782,470 - 2,538	235.00 258.00
2,679 - 2,819	247.00
2,820 - 2,960	260.00
2,961 - 3,101	273.00
3,102 - 3,171	282.00
3,172 - 4,307	282.00

Family Size 3	
Monthly Income	Monthly Co-Pay
\$ 0 - 711693	\$ 2.00
712 - 889694 - 866	3.00
890 - 1,067867 - 1,039	14.00
1,068 - 1,2451,040 - 1,213	23.00
1,246 - 1,4221,214 - 1,386	36.00
1,423 - 1,6001,387 - 1,559	51.00
1,601 - 1,7781,560 - 1,732	69.00
1,779 - 1,9561,733 - 1,905	89.00
1,957 - 2,1331,906 - 2,078	112.00
2,134 - 2,3112,079 - 2,252	137.00
2,312 - 2,4892,253 - 2,425	165.00
2,490 - 2,6672,426 - 2,598	195.00
2,668 - 2,8442,599 - 2,771	228.00
2,845 - 3,0222,772 - 2,944	264.00
3,023 - 3,2002,945 - 3,117	280.00 301.00
3,201 - 3,3783,118 - 3,204	296.00 326.00
3,379 - 3,555	312.00
3,556 - 3,733	328.00
3,734 - 3,911	344.00
3,912 - 4,000	356.00
4,001 - 5,320	356.00

Family Size 4	
Monthly Income	Monthly Co-Pay
\$ 0 - 859837	\$ 2.00

Family Size 5	
Monthly Income	Monthly Co-Pay
\$ 0 - 1,006984	\$ 2.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

860 - 1,073 838 - 1,046	3.00	1,007 - 1,258 982 - 1,226	3.00
1,074 - 1,288 1,047 - 1,255	17.00	1,259 - 1,509 1,227 - 1,471	20.00
1,289 - 1,503 1,256 - 1,465	27.00	1,510 - 1,760 1,472 - 1,717	32.00
1,504 - 1,717 1,466 - 1,674	43.00	1,761 - 2,012 1,718 - 1,962	50.00
1,718 - 1,932 1,675 - 1,883	62.00	2,013 - 2,263 1,963 - 2,207	72.00
1,933 - 2,146 1,884 - 2,092	83.00	2,264 - 2,515 2,208 - 2,452	97.00
2,147 - 2,361 2,093 - 2,301	108.00	2,516 - 2,766 2,453 - 2,697	126.00
2,362 - 2,575 2,302 - 2,510	135.00	2,767 - 3,017 2,698 - 2,942	158.00
2,576 - 2,790 2,511 - 2,720	166.00	3,018 - 3,269 2,943 - 3,188	194.00
2,791 - 3,005 2,721 - 2,929	199.00	3,270 - 3,520 3,189 - 3,433	234.00
3,006 - 3,219 2,930 - 3,138	236.00	3,521 - 3,772 3,434 - 3,678	277.00
3,220 - 3,434 3,139 - 3,347	276.00	3,773 - 4,023 3,679 - 3,923	323.00
3,435 - 3,648 3,348 - 3,556	318.00	4,024 - 4,275 3,924 - 4,168	373.00
3,649 - 3,863 3,557 - 3,765	338.00 364.00	4,276 - 4,526 4,169 - 4,413	396.00 427.00
3,864 - 4,078 3,766 - 3,870	357.00 393.00	4,527 - 4,777 4,414 - 4,536	419.00 461.00
4,079 - 4,292	377.00	4,778 - 5,029	441.00
4,293 - 4,507	396.00	5,030 - 5,280	464.00
4,508 - 4,721	415.00	5,281 - 5,532	487.00
4,722 - 4,829	430.00	5,533 - 5,657	504.00
4,830 - 6,333	430.00	5,658 - 7,346	504.00

Family Size 6	
Monthly Income	Monthly Co-Pay
\$ 0 - 1,153 1,125	\$ 2.00
1,154 - 1,442 1,126 - 1,406	3.00
1,443 - 1,730 1,407 - 1,687	23.00
1,731 - 2,018 1,688 - 1,969	37.00
2,019 - 2,306 1,970 - 2,250	58.00
2,307 - 2,595 2,251 - 2,531	83.00
2,596 - 2,883 2,532 - 2,812	112.00
2,884 - 3,171 2,813 - 3,093	145.00
3,172 - 3,459 3,094 - 3,374	182.00
3,460 - 3,748 3,375 - 3,656	223.00
3,749 - 4,036 3,657 - 3,937	268.00
4,037 - 4,324 3,938 - 4,218	317.00
4,325 - 4,612 4,219 - 4,499	371.00
4,613 - 4,901 4,500 - 4,780	428.00

Family Size 7	
Monthly Income	Monthly Co-Pay
\$ 0 - 1,301 1,269	\$ 2.00
1,302 - 1,626 1,270 - 1,586	3.00
1,627 - 1,951 1,587 - 1,903	26.00
1,952 - 2,276 1,904 - 2,221	42.00
2,277 - 2,601 2,222 - 2,538	65.00
2,602 - 2,926 2,539 - 2,855	93.00
2,927 - 3,251 2,856 - 3,172	126.00
3,252 - 3,576 3,173 - 3,489	163.00
3,577 - 3,901 3,490 - 3,806	205.00
3,902 - 4,227 3,807 - 4,124	251.00
4,228 - 4,552 4,125 - 4,441	302.00
4,553 - 4,877 4,442 - 4,758	358.00
4,878 - 5,202 4,759 - 5,075	418.00
5,203 - 5,527 5,076 - 5,392	483.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

4,902 - 5,189 4,781 - 5,061	454.00 489.00	5,528 - 5,852 5,393 - 5,709	512.00 552.00
5,190 - 5,477 5,062 - 5,202	480.00 529.00	5,853 - 6,177 5,710 - 5,868	541.00 596.00
<u>5,478 - 5,765</u>	<u>506.00</u>	<u>6,178 - 6,502</u>	<u>571.00</u>
<u>5,766 - 6,054</u>	<u>532.00</u>	<u>6,503 - 6,827</u>	<u>600.00</u>
<u>6,055 - 6,342</u>	<u>558.00</u>	<u>6,828 - 7,152</u>	<u>629.00</u>
<u>6,343 - 6,486</u>	<u>577.00</u>	<u>7,153 - 7,315</u>	<u>651.00</u>
<u>6,487 - 8,359</u>	<u>577.00</u>	<u>7,316 - 8,549</u>	<u>651.00</u>

Family Size 8	
Monthly Income	Monthly Co-Pay
\$ 0 - 1,448 1,413	\$ 2.00
1,449 - 1,810 1,414 - 1,766	3.00
1,811 - 2,172 1,767 - 2,119	29.00
2,173 - 2,534 2,120 - 2,473	46.00
2,535 - 2,896 2,474 - 2,826	73.00
2,897 - 3,258 2,827 - 3,179	104.00
3,259 - 3,620 3,180 - 3,532	140.00
3,621 - 3,982 3,533 - 3,885	182.00
3,983 - 4,343 3,886 - 4,238	228.00
4,344 - 4,705 4,239 - 4,592	280.00
4,706 - 5,067 4,593 - 4,945	337.00
5,068 - 5,429 4,946 - 5,298	398.00
5,430 - 5,791 5,299 - 5,651	465.00
5,792 - 6,153 5,652 - 6,004	537.00
6,154 - 6,515 6,005 - 6,357	570.00 614.00
6,516 - 6,877 6,358 - 6,534	603.00 664.00
<u>6,878 - 7,239</u>	<u>635.00</u>
<u>7,240 - 7,601</u>	<u>668.00</u>
<u>7,602 - 7,963</u>	<u>700.00</u>
<u>7,964 - 8,144</u>	<u>725.00</u>
<u>8,145 - 8,739</u>	<u>725.00</u>

Family Size 9	
Monthly Income	Monthly Co-Pay
\$ 0 - 1,595 1,557	\$ 2.00
1,596 - 1,994 1,558 - 1,946	3.00
1,995 - 2,393 1,947 - 2,335	32.00
2,394 - 2,792 2,336 - 2,725	51.00
2,793 - 3,190 2,726 - 3,114	80.00
3,191 - 3,589 3,115 - 3,503	114.00
3,590 - 3,988 3,504 - 3,892	155.00
3,989 - 4,387 3,893 - 4,281	200.00
4,388 - 4,785 4,282 - 4,670	252.00
4,786 - 5,184 4,671 - 5,060	308.00
5,185 - 5,583 5,061 - 5,449	371.00
5,584 - 5,982 5,450 - 5,838	439.00
5,983 - 6,380 5,839 - 6,227	513.00
6,381 - 6,779 6,228 - 6,616	592.00
6,780 - 7,178 6,617 - 7,005	628.00 677.00
7,179 - 7,577 7,006 - 7,200	664.00 732.00
<u>7,578 - 7,975</u>	<u>700.00</u>
<u>7,976 - 8,374</u>	<u>736.00</u>
<u>8,375 - 8,773</u>	<u>772.00</u>
<u>8,774 - 8,929</u>	<u>797.00</u>

Family Size 10	
Monthly Income	Monthly Co-Pay
\$ 0 - 1,743 1,701	\$ 2.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

<u>1,744 - 2,178</u> 1,702 - 2,126	3.00
<u>2,179 - 2,614</u> 2,127 - 2,551	35.00
<u>2,615 - 3,050</u> 2,552 - 2,977	56.00
<u>3,051 - 3,485</u> 2,978 - 3,402	87.00
<u>3,486 - 3,921</u> 3,403 - 3,827	125.00
<u>3,922 - 4,356</u> 3,828 - 4,252	169.00
<u>4,357 - 4,792</u> 4,253 - 4,677	219.00
<u>4,793 - 5,227</u> 4,678 - 5,102	275.00
<u>5,228 - 5,663</u> 5,103 - 5,528	337.00
<u>5,664 - 6,099</u> 5,529 - 5,953	405.00
<u>6,100 - 6,534</u> 5,954 - 6,378	480.00
<u>6,535 - 6,970</u> 6,379 - 6,803	560.00
<u>6,971 - 7,405</u> 6,804 - 7,228	647.00
<u>7,406 - 7,841</u> 7,229 - 7,653	<u>686.00</u> 740.00
<u>7,842 - 8,277</u> 7,654 - 7,866	<u>725.00</u> 799.00
<u>8,278 - 8,712</u>	<u>765.00</u>
<u>8,713 - 9,119</u>	<u>802.00</u>

(Source: Amended at 43 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure for Hearings Before the Illinois Department of Revenue
- 2) Code Citation: 86 Ill. Admin. Code 200
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
200.115	Amendment
200.162	Amendment
200.170	Amendment
200.175	Amendment
200.225	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-795
- 5) A Complete Description of the Subjects and Issues Involved:

Section 200.115 is amended to allow service of notices or orders by email per agreement of the parties and allows the Department to require an attorney to provide an email address and accept notices and orders by email. It also describes how any acknowledgement of an email will serve as confirmation that all subsequent emails sent to that address have been delivered. If the email fails or is undeliverable, the notice or order will be sent by mail or in any other manner as provided in Illinois Supreme Court Rule 11. The rule also provides that proof of service shall be established in accordance with Subsection (b) of Illinois Supreme Court Rule 12.

Section 200.162 is amended to allow office dispositions (case closings that are the result of a party's withdrawal or a settlement and not Department decisions or defaults) to be sent by U.S. mail or by email as provided in Section 200.115.

Section 200.170 is amended to allow an administrative law judge's recommendation that is approved by the Director or a Director's Decision to be served by personal service or by U.S. Mail (not registered or certified mail) if the decision is completely in the taxpayer's favor. An administrative law judge's recommendation that is approved by the Director or a Director's Decision that is not completely favorable to a taxpayer will continue to be served by personal service or registered or certified mail. The amendment also allows the Department to send a copy of that decision by email, but that copy will not be considered the Department's final decision for administrative review purposes, only the copy served by personal service or registered or certified mail will be considered the Department's final decision for administrative review purposes.

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section 200.175 is amended to describe how late discretionary hearings requests are handled for liabilities that fall within the jurisdiction of the Illinois Independent Tax Tribunal.

Section 200.225 is amended to provide that the Department does not redact property tax recommendations for publishing on the Department's website since those hearings are open to the public and removes obsolete language about providing electronic copies of hearing decisions on a floppy disk.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. Section 200.115 incorporates by reference certain subsections of Illinois Supreme Court Rule Numbers 11 and 12.
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a mandate that would necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Terry D. Charlton
Illinois Department of Revenue
Administrative Hearings
101 West Jefferson
Springfield IL 62794

217/782-6995

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Law firms and all types of other small businesses, small municipalities, and not-for-profit corporations that may be involved in an administrative hearing with the Department.
 - B) Reporting, bookkeeping or other procedures required for compliance: None, except for the use of an email address by attorneys representing clients in administrative hearings with the Department and those other litigants that agree to allow service by email. The use of email addresses by attorneys in court filings are already required under Illinois Supreme Court Rule 11.
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking will result in no adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

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

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 200

PRACTICE AND PROCEDURE FOR HEARINGS BEFORE
THE ILLINOIS DEPARTMENT OF REVENUE

Section

200.101	Scope and Construction
200.105	Definitions
200.107	Hearing Offices
200.110	Appearances
200.115	Notice
200.120	Request For and Setting Hearings; Sufficient Protest
200.125	Discovery
200.130	Remedies/Compliance With Discovery
200.135	Informal Review
200.137	Settlements
200.140	Status and Pre-trial Conferences
200.145	Attendance of Witnesses
200.150	Stipulations
200.155	Evidence and Conduct of Hearings
200.160	Continuances
200.162	Office Dispositions
200.165	Recommendation of the Administrative Law Judge
200.170	Notice of Final Decision
200.175	Rehearings
200.185	Motion Practice
200.190	Withdrawal of Representation
200.195	The Administrative Record
200.200	Filing Procedures
200.210	Disqualification of an Administrative Law Judge
200.215	Ex Parte Communications
200.220	Equal Application of Regulations
200.225	Inspection and Publication of Hearing Decisions

AUTHORITY: Implementing Sections 8, 9, 10 and 12 of the Retailers' Occupation Tax Act [35 ILCS 120] and Sections 908, 909, 910, 914, 915, 916 and 918 of the Illinois Income Tax Act [35 ILCS 5] and Sections 17, 18, 19, 21 and 25 of the Cigarette Use Tax Act [35 ILCS 135] and

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Sections 7, 8, 9a, 9b, 10 and 10a of the Cigarette Tax Act [35 ILCS 130] and Sections 8-5, 8-6, 8-7 and 8-8 of the Liquor Control Act of 1934 [235 ILCS 5] and authorized by Section 12 of the Retailers' Occupation Tax Act [35 ILCS 120] and Section 1401 of the Illinois Income Tax Act [5 ILCS 5] and Section 21 of the Cigarette Use Tax Act [35 ILCS 135] and Section 8 of the Cigarette Tax Act [35 ILCS 130] and Section 8-13 of the Liquor Control Act of 1934 [235 ILCS 5] and Section 39b20.1 of the Civil Administrative Code [20 ILCS 2502].

SOURCE: Retailers' Occupation Tax Hearings adopted December 23, 1937; amended at 6 Ill. Reg. 2856, effective March 3, 1982; codified at 6 Ill. Reg. 15224; Part repealed, new Part adopted at 13 Ill. Reg. 6789, effective April 12, 1989; amended at 15 Ill. Reg. 3518, effective February 21, 1991; amended at 20 Ill. Reg. 888, effective January 1, 1996; amended at 43 Ill. Reg. _____, effective _____.

Section 200.115 Notice

- a) In the absence of an agreement by the parties as to a time and place for an evidentiary hearing, pre-trial or status conference, notice of the time and place fixed for any such hearing, pre-trial or status conference shall be given to the person or persons concerned, or their legal counsel, if appropriate authorization is on file, not less than 14 days prior to the day fixed for ~~the such~~ proceeding. Notice or orders shall be provided by personal~~Personal~~ service; ~~U.S. Mail of the notice or order, or notice given by United States registered or certified mail~~, addressed to the person concerned at his or her last known address, or to his or her authorized representative; ~~or email as provided in this Section, is sufficient. Proof of service shall be established in accordance with Subsection (b) of Illinois Supreme Court Rule 12.~~
- b) For all motions in accordance with Section 200.185 ~~of this Part~~, whether for continuance or otherwise, notice of the time and place set for hearing on ~~thesuch~~ motion shall be not less than 2 calendar days, if personally served or by email, or less than 5 calendar days, if by regular U.S. Mail~~United States mail~~, prior to the time set to be heard on that motion.
- c) No person or persons, other than the aggrieved party for whom a protest has been filed, shall be entitled to notice of any proceeding before the Department nor of any action in relation thereto, without first having filed a requisite Power of Attorney with the Office of Administrative Hearings. Persons who have filed ~~thesuch~~ Power of Attorney, as well as the protesting party, shall keep the Office of Administrative Hearings apprised of any change in their address ~~thatwhich~~ may

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

subsequently occur.

- d) In the absence of an agreement by the parties to accept service by email, the Department may require an attorney representing a party to provide an email address at which the attorney will receive notices or orders under this Section and Section 200.162 on behalf of that party. Any acknowledgement of receipt or response to any email sent to that party will be considered sufficient to confirm that any subsequent notice or order sent to that email address has been delivered unless the sender receives a notice that the email delivery has failed or is otherwise undeliverable. If the sender becomes aware that the email delivery has failed or is otherwise undeliverable, the sender shall send that notice or order by U.S. Mail or any of the other methods set forth in Subsection (c) of Illinois Supreme Court Rule 11.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 200.162 Office Dispositions

In circumstances in which the hearing process is terminated prior to the convening of a formal hearing due to the voluntary or involuntary resolution of the controversy, the Department may conclude the case by way of office disposition. All office dispositions shall be entered by order of the presiding Administrative Law Judge assigned to the case and shall not be subject to publication ~~that which~~ may otherwise be required of hearing recommendations. Service of notices and orders concluding such cases shall be made by personal service, U.S. Mail, or email as provided in Section 200.115(d). The following represent, without limitation, fact situations that may warrant the office disposition of a case:

- a) The taxpayer voluntarily, and in writing, withdraws the protest or otherwise consents to a Notice of Tax Liability, Notice of Deficiency, Denial of Claim or other Departmental action;
- b) An informal review has been conducted pursuant to Section 200.135 ~~of this Part~~ in which the employee designated to conduct the review has recommended a full and complete resolution of contested issues;
- c) The litigator has examined all facts and circumstances associated with a particular case and it is the litigator's opinion that the law and/or regulations do not support the action taken or decision made by the Department;

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- d) As the result of a reaudit, the taxpayer and the Department reach an agreement as to the appropriate application of the law to the facts.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 200.170 Notice of Final Decision

The Department's final administrative decision shall be served upon the persons affected, or their legal counsel if appropriate authorization is on file. If the final administrative decision is adverse in whole or in part to a party other than the Department, service on persons affected or their legal counsel shall be made, either personally or by ~~United States~~-registered or certified U.S. Mail~~mail~~, addressed to the person concerned at his or her last known address. If the final administrative decision is not adverse in whole or in part to a party other than the Department, service shall be made by personal service or by U.S. Mail, addressed to the person concerned at his or her last known address. The Department may provide a copy by email of its final administrative decision to persons concerned or their legal counsel. For a copy of a final administrative decision that is provided by email, the time for administrative review under Section 3-103 of the Administrative Review Law [735 ILCS 5/Art. III] shall be determined from the date of service of that final administrative decision by personal service or by registered or certified U.S. Mail and not by the date of transmission of the email.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 200.175 Rehearings

- a) After the issuance of a final assessment or a Notice of Tax Liability ~~that~~which has become final pursuant to Section 4 or ~~Section 5~~ of the Retailers' Occupation Tax Act [35 ILCS 120/~~4 or 5~~] or another Act in which Section 4 or ~~Section 5~~ is incorporated by reference, the Department, at any time before ~~the~~such assessment is reduced to judgment, may grant a rehearing or grant review and hold an original hearing (in cases of failure to timely protest) upon the application of the person aggrieved. If the Department agrees to grant a late discretionary hearing under this Section and the amount in controversy exceeds the jurisdictional amount provided in Section 1-45 of the Illinois Independent Tax Tribunal Act of 2012 [35 ILCS 1010], the Department's Chief Administrative Law Judge will issue a letter granting the late discretionary hearing and informing the recipient that the amount in controversy exceeds the amount for which the Department has jurisdiction. The Chief Administrative Law Judge's letter will direct the recipient to file a petition with the Independent Tax Tribunal within 60 days after the date

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

~~of that letter, as provided in the Independent Tax Tribunal's rules. (See 86 Ill. Adm. Code 5000.310(a)(5).)~~ This provision shall not apply in any situation in which an assessment that has become final and unappealable has been paid by or on behalf of the taxpayer in liquidation of that assessment.

- b) To be considered for initial review or rehearing, a taxpayer must submit a written application therefor to the Chief Administrative Law Judge, offering specific and detailed rationale for each basis used to support the request. ~~When~~~~Where~~ a rehearing is sought following issuance of a final Departmental decision, all errors of fact or law viewed as affecting the validity of that decision must be set forth. If new evidence not previously available, ~~that and which~~ the taxpayer was not required to maintain or keep as part of its own records, is sought to be admitted, explanation of the nature of that evidence and how it affects the decision shall also be included. In any instance ~~in which~~~~where~~ the request for rehearing follows a finding of default, the ~~reasons~~~~reason(s)~~ for failure to appear shall be given, accompanied by an affidavit or other required ~~documents~~~~document(s)~~ verifying the ~~statements~~~~statement(s)~~ offered. In determining whether to permit an initial review or rehearing, the Department shall consider such factors as: the offer of proof with respect to matters in controversy; new evidence and the nature and complexity of legal issues raised; the diligence of the person seeking the rehearing; the passage of time between the finalization of the assessment and the request for review. No second or subsequent application for review or rehearing relating to the same operative set of facts shall be considered by the Department.
- c) Following Department evaluation of an application for review or rehearing:
- 1) The applicant shall be advised in writing of the decision to either grant or deny the request.
 - 2) In each instance ~~in which~~~~where~~ an application for review or rehearing is denied, the Department, in its notice ~~thereof~~, shall set forth the ~~reasons therefor in~~ explanation of the denial.
- d) In any case ~~in which~~~~where~~ the issue to be heard involves one or more assessed liabilities, approval of any application for review or rehearing may be conditioned upon the taxpayer's remittance to the Department, within 30 days ~~after~~~~of~~ issuance of the notice, of a deposit of not more than 25% of the total liability incurred.
- e) In any case ~~in which~~~~where~~ an application for rehearing follows a finding of

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

default in the original proceeding, approval of ~~that~~ such application shall be further conditioned upon reimbursement to the Department, within the same 30-day period, of outstanding charges for court reporting services having been incurred for that default.

- f) If a rehearing (or an original hearing, in the case of failure to timely protest) is held, the recommendation of the Administrative Law Judge and a notice of final decision shall be made as provided in Sections 200.165 and 200.170.
- g) In the event of the filing of a timely protest and granting of a rehearing pursuant to Section 908(c) or Section 910(c) of the Illinois Income Tax Act [35 ILCS 5/~~908 or 910~~], the case and the hearing record shall be reopened and resumed to include the rehearing proceedings. Thereafter, as soon as practicable, the Department shall issue a notice of final decision, in accordance with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/~~40-50~~], which, in the Department's discretion, shall be supported for purposes of the record by a statement in the nature of an opinion summarizing the facts from the record together with applicable law and rationale.
- h) In any circumstance in which a rehearing may be granted after the original has taken place, no new or additional discovery may be initiated by any party to the proceeding.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 200.225 Inspection and Publication of Hearing Decisions

- a) Within 180 days after its issuance, the Department shall make available for public inspection, at its principal offices, any hearing decision issued by the Department on or after January 1, 1995. Decisions made available for inspection, other than property tax exemption decisions for hearings that are open to the public under 86 Ill. Adm. Code 110.145, shall be edited by the Department so that the name, address and identification number of the taxpayer, any related entities and/or employees are not disclosed. Hearing decisions of the Illinois Independent Tax Tribunal may be viewed on the Tribunal's website. A link to the Tribunal's website is provided on the Department's website at www.tax.Illinois.gov.
- b) Within 30 days following the issuance of any hearing decision, the taxpayer affected by ~~the~~ such decision may also request that the Department omit

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

specifically identified trade secrets or other such confidential information from decisions made available for public inspection. The Department, upon such request, shall consider whether the suggested deletions are reasonable and whether disclosure of ~~the such~~ information would potentially cause economic or other injury to the taxpayer.

- c) To the same extent and with the same limitations as provided in subsections (a) and (b), ~~above,~~ the Department shall publish its hearing decisions and make them available to the public. ~~through the following media and at the cost indicated: 1) The Department will may maintain an electronic copy of bulletin board containing all hearing decisions issued on or after January 1, 1995 on the Department's website at www.tax.Illinois.gov.~~

~~The bulletin board shall be accessible through any computer by means of modem. There shall be no charge for this service. 2) Floppy disk. A maximum of 25 hearing decisions may be transmitted by means of a 3 1/2 inch floppy disk, formatted to IBM or IBM compatible computers, for a cost of \$25.00 per disk. The Department shall have the right to alter the physical means of transmission as changes in technology may provide. 3) Hard copy. A printed hard copy of any hearing decision on 8 1/2 x 11 inch paper can be obtained at a cost of \$1.00 per page of copy.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.540 Proposed Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.25
- 5) A Complete Description of the Subjects and Issues Involved: PA 100-726 permits schools to establish a medication policy that provides for the stocking and use of medications for asthma that are not designated for a specific person (undesignated medication). The law requires ISBE to provide a "form and manner" for the districts and schools to report the use of asthma medication from the stock supply. The law also refers to rules regarding the training of non-nurse "trained personnel" to recognize signs and symptoms of acute respiratory distress. ISBE staff proposes to absorb the rules regarding undesignated asthma medication into the similar existing rules for use of undesignated epinephrine and opioid antagonist, and rename the rule to add asthma in the name.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1.30	Amendment	42 Ill. Reg. 18831; October 19, 2018
1.50	Amendment	42 Ill. Reg. 18831; October 19, 2018
1.423	Amendment	43 Ill. Reg. 3385; March 15, 2019
1.792	New Section	43 Ill. Reg. 4963; May 3, 2019
1.794	New Section	43 Ill. Reg. 4963; May 3, 2019
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Cara Wiley
Illinois State Board of Education
100 North First Street, E-222
Springfield IL 62777-0001

217/782-5270
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Licensure Information System (ELIS)
- 1.79 School Report Card
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.97 Survey of Learning Conditions
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.422 Electronic Learning (E-Learning) Days Pilot Program
- 1.423 Competency-Based High School Graduation Requirements Pilot Program
- 1.425 Additional Criteria for Physical Education
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy
- 1.443 Illinois Global Scholar Certificate
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated [Emergency Medications in Schools: Epinephrine Auto-injectors; Opioid Antagonists; and Respiratory Distress](#)

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Paraprofessionals; Other Unlicensed Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.700 Requirements for Staff Providing Professional Development
- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
1.783 Requirements for Administrators of Bilingual Education Programs
1.790 Substitute Teacher
- 1.APPENDIX A Professional Staff Educator Licensure
1.APPENDIX B Competency-Based High School Graduation Requirements Pilot Program Criteria for Review
1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
1.APPENDIX G Criteria for Determination – State Assessment (Repealed)
1.APPENDIX H Guidance and Procedures for School Districts Implementing the Illinois Global Scholar Certificate

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-6, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6, 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 26-13, 27-3.5, 27-6, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. 11512, effective June 8, 2018; amended at 43 Ill. Reg. 3792, effective February 28, 2019; amended at 43 Ill. Reg. _____, effective _____.

SUBPART E: SUPPORT SERVICES

Section 1.540 Undesignated Emergency Medications in Schools: Epinephrine Auto-injectors; Opioid Antagonists; and Respiratory Distress

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

This Section establishes requirements in addition to those set forth at Section 22-30 of the School Code [105 ILCS 5/~~22-30~~] for a school nurse or other trained school personnel *to administer an undesignated epinephrine auto-injector, ~~an~~ ~~or any~~ opioid antagonist, ~~or medication to treat respiratory distress (asthma)~~ to any person whom the school nurse or trained personnel in good faith believes to be having an anaphylactic reaction, ~~or any~~ opioid overdose, ~~or acute asthma episode~~, respectively, while in school, while at a school-sponsored activity, while under the supervision of school personnel, or before or after normal school activities, such as while in before-school or after-school care on school-operated property.*

a) Definitions

For the purposes of this Section:

- 1) "Code" means the School Code [105 ILCS 5]
- 2) "Respiratory distress" has the meaning ascribed in Section 22-30 of the Code (e.g., asthma)
- 3) "School" shall be understood to mean a school district, public school or nonpublic school, as may be applicable.
- 4) "School nurse" ~~has the meaning ascribed~~ ~~shall have the meaning prescribed~~ in Section 22-30(a) of the ~~School~~ Code.

b) Parental Notification

In addition to the provisions of Section 22-30(c) and (c-5) of the ~~School~~ Code, a school that has a standing protocol, as defined in Section 22-30 of the ~~School~~ Code, to administer undesignated epinephrine, ~~auto-injectors and/or an~~ opioid ~~antagonists~~ ~~antagonist~~, ~~or medication to treat respiratory distress~~ shall notify the parents or guardians of each student that the school has instituted the standing protocol and that a student may be administered any one or more of those ~~drug~~epinephrine and/or any opioid antagonist under the circumstances described in Section 22-30(e-5) or (e-10) of the ~~School~~ Code.

- 1) The school shall provide the notification of the standing protocol to the parents or guardian at the start of each school year or, for students enrolling for the first time, at the time of enrollment. The parent or

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

guardian shall acknowledge the notification by signing it and returning it to the school.

- 2) A school also shall accept a written request from a parent or guardian stating that his or her student shall not be administered any or all of these drug epinephrine and/or any opioid antagonist under any circumstances. The school shall provide the name of any student whose parent or guardian submits notification under this subsection (b)(2) to the school nurse and to any trained personnel, as defined under Section 22-30(a) of the ~~School~~ Code.
- c) Standing Protocol
- 1) A standing protocol for administering undesignated epinephrine, ~~auto injectors or any an~~ opioid antagonist, and/or medication for respiratory distress, as applicable, shall be provided to the school nurse and trained personnel, as well as kept with or near the ~~undesignated epinephrine, auto injectors or any~~ opioid antagonist, or medication for respiratory distress, as applicable.
 - 2) The standing protocol shall state the hours of the day, days of the week and the school-sponsored activities during which the undesignated epinephrine, ~~auto injectors or any~~ opioid antagonist, or medication for respiratory distress, as applicable, will be available. A school is not required to have a school nurse or trained personnel available at all times nor at all school-sponsored activities to administer ~~the undesignated epinephrine, auto injectors or any~~ opioid antagonist, or medication for respiratory distress, as applicable.
 - 3) The standing protocol shall provide that the undesignated epinephrine, ~~auto injectors or any~~ opioid antagonist, or medication for respiratory distress, as applicable, be stored in and available daily at one or more designated, secure locations. For the purposes of this Section, "secure location" means an unlocked location that is inaccessible to students and/or is visually monitored by an adult during the normal school day under routine circumstances.
 - 4) The standing protocol shall include a written order for the undesignated epinephrine, ~~auto injectors or any~~ opioid antagonist, or medication for

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

respiratory distress that meets the requirements of Section 22-30(b) of the ~~School~~ Code. The written order required under this subsection (c)(4) is valid for the school year in which it was provided and must be renewed each school year. (See Section 22-30(d) of the ~~School~~ Code.)

- d) Notification of Administration of ~~an~~ Undesignated Epinephrine, ~~Auto-Injector or~~ Opioid Antagonist, or Medication for Respiratory Distress
Any school whose school nurse or trained personnel administered ~~an~~ undesignated epinephrine, ~~auto-injector or any~~ opioid antagonist, or medication for respiratory distress, as applicable, shall meet the notification requirements of Section 22-30(f-5) and (f-10) of the ~~School~~ Code.

- e) Personnel Training

Only trained personnel or a school nurse shall administer ~~an~~ undesignated epinephrine, ~~auto-injector or any~~ opioid antagonist, or medication for respiratory distress, as applicable.

- 1) Certification courses required under Section 22-30(g) of the ~~School~~ Code in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) shall be conducted by a trainer who is certified in CPR/AED by the American Heart Association, American Red Cross or similar certifying body. Trained personnel shall renew any certification issued in accordance with the requirements of the certifying body and present the certification to his or her school.
- 2) A school administrator or a school nurse shall be available to answer questions from training participants if the training for administering undesignated epinephrine, anaphylaxis or opioid antagonist, or medication for respiratory distress, training is presented via a webinar or online format or through a video supplied by an epinephrine, ~~or~~ opioid antagonist, or medication for respiratory distress manufacturer. Training provided in one of the formats listed in this subsection (e)(2) shall not be considered complete unless an opportunity for questions is provided.
- 3) In addition to the curricular content listed in Section 22-30(h) of the ~~School~~ Code, anaphylaxis training also shall include information about:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- A) where the undesignated epinephrine ~~medications~~~~auto-injectors~~ are stored and how to access them;
 - B) the method by which the school nurse or trained personnel will be notified of an incident that could require the administration of ~~an~~ undesignated epinephrine ~~auto-injector~~;
 - C) the school's written plan to prevent exposure to allergens; ~~and~~
 - D) the process for administering the specific undesignated epinephrine ~~device~~~~auto-injector devices~~ identified in the standing order; and
 - E) the restrictions, if any, on the school personnel who may administer epinephrine by device other than use of pre-filled or user-filled syringes containing epinephrine limited to nurse holding RN or LPN license.
- 4) In addition to the curricular content listed in Section 22-30(h-5) of the ~~School~~ Code, opioid antagonist training also shall meet the requirements of Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301~~5-23~~] and training requirements set forth at 77 Ill. Adm. Code 2060 (Alcoholism and Substance Abuse Treatment and Intervention Licenses) and include information about:
- A) where the opioid antagonist is stored and how to access the drug;
 - B) the method by which the school nurse or trained personnel will be notified of an incident that could require the administration of any opioid antagonist; and
 - C) the process for administering the specific opioid antagonist identified in the standing order.
- 5) In addition to the curricular content listed in Section 22-30(h-10) of the Code, asthma medication training also shall include the following information:
- A) where the undesignated medications to treat respiratory distress are stored and how to access them;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- B) the method by which the school nurse or trained personnel will be notified of an incident that could require the administration of medication for acute respiratory distress;
 - C) the school's written Asthma Episode Emergency Response Protocol;
 - D) assurance that the personnel agreeing to perform in the role of "trained personnel" has completed training on asthma; and
 - E) the process for administering the specific undesignated asthma medication and delivery device identified in the standing order.
- 6) A school nurse or physician with knowledge of allergies and anaphylaxis and CPR and AED certification who possesses skill in administering or demonstrating the use of ~~an~~ epinephrine injector devices~~auto-injector~~ shall certify by written signature that the personnel being trained passed the test required under Section 22-30(h)(7) of the ~~School~~ Code.
- 76) An individual familiar with the use of an opioid antagonist who has CPR and AED certification (e.g., healthcare provider, police officer, paramedic) shall certify by written signature that the personnel being trained passed the test required under Section 22-30(h-5)(8) of the ~~School~~ Code.
- 8) A school nurse or physician with knowledge of asthma and symptoms of respiratory distress and holds CPR and AED certification who possesses skill in administering or demonstrating the use of asthma medications and delivery devices for acute respiratory distress, shall certify by written signature that the personnel being trained passed the test required under Section 22-30(h)(10) of the Code.
- 97) Each statement of certification issued under subsection (e)(5) or (e)(6) of this Section shall be maintained by the school in accordance with Section 22-30(g) of the ~~School~~ Code.
- 108) The names of trained personnel shall be provided to the school nurse and school administrator, indicating whether the person received training

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

specific to anaphylaxis and/or; opioid antagonists and/or medication for respiratory distress ~~or both~~.

f) Reporting

Each school shall submit a report regarding the administration of ~~an~~ undesignated epinephrine, ~~auto-injector or~~ opioid antagonist, or medication for respiratory distress electronically in a format prescribed by the State Superintendent of Education within the timeline specified in Section 22-30(i) or (i-5), respectively, of the ~~School~~ Code.

g) Allergen Reduction Plan

Each school shall develop a written plan to reduce the risk of accidental exposure to allergens that addresses, at a minimum, lunchroom safeguards, classroom food policies, and identification of areas of the playground that are known concerns, such as those with insect colonies. A separate plan is not required if the school has addressed reducing the risk of accidental exposure to allergens in the plan adopted pursuant to Section 2-3.149(b) of the ~~School~~ Code ~~[105 ILCS 5/2-3.149(b)]~~.

h) In accordance with Section 22-30(h) of the ~~School~~ Code, the State Superintendent of Education shall post on the agency's website, by January 1, 2019, 2016 a list of resource materials about how *to recognize and respond to anaphylaxis, opioid overdose, or respiratory distress*.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Illinois Pesticide Act
- 2) Code Citation: 8 Ill. Adm. Code 250
- 3) Section Number: 250.220 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Pesticide Act [450 ILCS 60].
- 5) Effective Date of Rule: June 21, 2019
- 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 rule, 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*: 43 Ill. Reg. 4045; April 5, 2019
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version:

In Section 250.220, subsection (a), strike "of this Section".

In Section 250.220, subsection (a)(2), strike "the provisions of".

In Section 250.220, subsection (a)(5), strike "pursuant to", add "under" and strike "of".
Strike "this Section".

In Section 250.220, subsection (a)(7), strike "pursuant to" and add "under".

In Section 250.220, subsection (a)(9), strike "the" and strike "provisions of".

In Section 250.220, subsection (b), strike "subsection (a) of this Section" and add "subsections (a)(3) and (4)".

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

In Section 250.220, subsection (c), strike "specific", "product of", and "set forth in" and after "products" add "that meet the requirements of".

In Section 250.220, subsection (e), strike "the provisions of".

In Section 250.200, subsection (e)(2), strike "such" and add "the".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The adopted rule updates qualifications for applicators of herbicide products on public lands to include participants in a supervised youth job training program.
- 16) Information and questions regarding this adopted rule shall be directed to:

Albert A. Coll
Assistant General Counsel
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield IL 62794-9281

217/782-5051
fax: 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 i: PESTICIDE CONTROLPART 250
ILLINOIS PESTICIDE ACT

Section	
250.10	Definitions
250.20	Registration of Pesticide Dealers Selling Restricted Use Pesticides or Certain Non-Restricted Use Pesticides
250.30	Registration of Pesticides
250.40	Registration of Experimental Use Pesticides
250.50	Registration of Special Local Need Pesticides
250.60	Emergency Exemption Registration
250.70	Method of Becoming Certified Applicators
250.80	Private Pesticide Applicators: Certification, Licensing, Testing and Training
250.90	Commercial Applicator, Commercial Not For Hire Applicator and Public Applicator: Certification, Testing and Licensing
250.100	Licensed Operator (Commercial Operator, Commercial Not For Hire Operator and Public Operator): Testing and Licensing
250.110	General Competency Standards to be Covered on the Tests
250.120	Technical Category Areas of Pesticide Use
250.130	Surety Bond or Liability Insurance
250.140	Interagency Committee on Pesticides
250.150	Record Keeping
250.160	Permits
250.170	Administrative Hearing
250.180	Administrative Penalties
250.190	Formulation Violations of Label Claim
250.200	Reporting of Pesticide Incidents or Misuse Complaints
250.210	Special Application of Solid Mosquito Larvicides
250.220	Special Application of Herbicides to Control Invasive Plants on Public Lands

AUTHORITY: Implementing and authorized by the Illinois Pesticide Act [415 ILCS 60].

SOURCE: Adopted at 5 Ill. Reg. 732, effective January 6, 1981; codified at 5 Ill. Reg. 10527; amended at 6 Ill. Reg. 3071, effective March 8, 1982; amended at 8 Ill. Reg. 855, effective January 5, 1984; amended at 8 Ill. Reg. 16407, effective August 29, 1984; amended at 10 Ill.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Reg. 7663, effective April 28, 1986; amended at 12 Ill. Reg. 12784, effective July 26, 1988; amended at 24 Ill. Reg. 7191, effective April 27, 2000; emergency amendment at 26 Ill. Reg. 13093, effective August 14, 2002, for a maximum of 150 days; emergency amendment expired January 10, 2003; amended at 27 Ill. Reg. 5715, effective March 18, 2003; amended at 30 Ill. Reg. 12756, effective July 14, 2006; amended at 35 Ill. Reg. 351, effective January 1, 2011; emergency amendment at 43 Ill. Reg. 4340, effective March 22, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 7402, effective June 21, 2019.

Section 250.220 Special Application of Herbicides to Control Invasive Plants on Public Lands

- a) Any person who receives training, pursuant to subsection (b) ~~of this Section~~ from an individual possessing a current Category 6 Right-of-Way Pest Control applicator license issued by the Department, after receipt of a certificate issued by the Department, may apply a herbicide product for the control of invasive plants on public lands without further compliance with the licensing provisions of this Part if all of the following are met:
- 1) The individual providing training pursuant to subsection (b) must be a compensated employee of the organization that has direct control of the public lands upon which the herbicide product applications are to be made;
 - 2) The individual making herbicide product applications under ~~the provisions of this Section~~ shall not receive compensation for the herbicide product applications; For the purposes of this Section, participation in a supervised conservation job training program shall not be considered as receiving compensation;
 - 3) The signal word contained on the herbicide product is "CAUTION";
 - 4) The herbicide product to be applied shall not be classified as a "restricted use" pesticide;
 - 5) The herbicide product application method is limited to the method or methods included in the training provided ~~under pursuant to~~ subsection (b) ~~of this Section~~;

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 6) A review of the specific herbicide product's label must have been included in the training program described in subsection (b);
 - 7) The herbicide product application site or sites are limited to the public lands identified during the training provided ~~under pursuant to~~ subsection (b) and the public lands must be under the direct control of the trainer who provided the training or the trainer's organization;
 - 8) All mixing of the herbicide product and loading of the herbicide product into any required application device or devices shall be conducted by the trainer who provided the training or other licensed applicator possessing a current Category 6 Right-of-Way Pest Control applicator license issued by the Department; and
 - 9) Each individual making herbicide product applications under ~~the provisions of~~ this Section shall utilize the personal protective equipment specified on the herbicide product label for handlers during the application activity.
- b) The training shall be not less than one hour in duration and shall include a review of the herbicide product labels, use restrictions, application rates, application methods, first aid, potential environmental hazards, personal protective equipment, and any other information deemed appropriate by the trainer for the safe and effective use of the herbicide products that meet the criteria listed in ~~subsections (a)(3) and (4) subsection (a) of this Section.~~
 - c) Upon completion of the training, the trainer shall immediately provide to the Department a complete legible listing, including name, address, telephone number, birth date, and sponsoring organization for whom the herbicide product applications are to be made, of all individuals who received the training and are thus eligible to apply only the ~~specific herbicide product or products~~ that meet the requirements of set forth in this Section.
 - d) The trainer shall also provide to the Department the date and location of the training, the trainer's name, address, telephone number, pesticide applicator license number, pesticide applicator license expiration date, trainer's organization, and a legible copy of the specific herbicide product label or labels utilized in the training session.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- e) An individual trained to apply a herbicide product under ~~the provisions of~~ this Section, and only after receiving the certificate issued by the Department, may only:
- 1) apply the specific herbicide products included in the training described in this Section;
 - 2) make ~~the such~~ applications on the public lands identified in the training; and
 - 3) make applications during the calendar year in which the training was received.
- f) For the purpose of this Section, a person shall mean any individual over 18 years of age.

(Source: Amended at 43 Ill. Reg. 7402, effective June 21, 2019)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Standardbred, Thoroughbred and Quarter Horse Breeding and Racing Program, Illinois
- 2) Code Citation: 8 Ill. Adm. Code 290
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
290.10	Amendment
290.50	Amendment
290.67	Amendment
290.85	Amendment
290.90	Amendment
290.190	Amendment
290.200	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Horse Racing Act of 1975 [230 ILCS 5/30, 31, and 33.1].
- 5) Effective Date of Rules: June 21, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 3054; March 8, 2019
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: No substantial changes were made between the proposal and final version.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: The adopted rules remove the requirement to file a report with the Department of Agriculture when transported fresh semen from an Illinois-Certified stallion is used to inseminate a mare. Also, it allows semen to be transported outside of Illinois but specifies that said foal(s) would not be eligible for registration as an Illinois conceived and foaled horse. These adopted rules also allowed the Department of Agriculture to mail a Jockey Club Certificate by using a mail delivery system with tracking capabilities, not solely registered mail.
- 16) Information and questions regarding these adopted rules shall be directed to:

Albert A. Coll
Assistant General Counsel
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield IL 62794-9281

217/782-5051
fax: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER I: HORSE RACING AND BREEDING

PART 290
STANDARD BRED, THOROUGHBRED AND QUARTER HORSE
BREEDING AND RACING PROGRAMS, ILLINOIS

SUBPART A: RULES RELATING TO
ILLINOIS STANDARD BRED, THOROUGHBRED AND QUARTER
HORSE BREEDING AND RACING PROGRAMS

Section	
290.10	Purpose and Definitions
290.12	Incorporation by Reference
290.15	Trust Funds; Nominating, Sustaining and Entry Fees
290.20	Operating Plan and Official Budget; Standardbred, Thoroughbred and Racing Quarter Horse Breeders Fund Programs and Monies Distribution Schedule

SUBPART B: STANDARD BRED DIVISION

Section	
290.50	Stallion Certification Requirements
290.55	Certification of Stallion for First Time or Under New Ownership Before Offering Service
290.60	Renewal Application for Offering or Standing Stallion for Service
290.65	Breeding Record of Stallion – Record of Mares Bred
290.67	Requirements for Transported Fresh Semen of a Certified Stallion
290.70	Stallion Siring Foal Must Qualify In Order For Foal to be Eligible for Registration as an Illinois Conceived and Foaled Horse (Repealed)
290.75	Notification if Certified Stallion is Moved
290.77	Notification of Sale or Transfer of Ownership of Certified Stallion
290.78	Stallion Eligibility Certificate
290.80	Stallion Qualification Procedures (Repealed)
290.85	Qualifications for Illinois Conceived and Foaled Standardbred Horses
290.90	Registration for Illinois Conceived and Foaled Horses
290.95	Standardbred Breeders Awards
290.100	Grandfather Rights of Standardbred Horses Registered Under the Illinois Harness Racing Act (Repealed)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 290.105 Standardbred Racing at County Fairs or Other Venues
290.110 Illinois Conceived and Foaled Standardbred Races at the Illinois State Fair and DuQuoin State Fair

SUBPART C: THOROUGHBRED DIVISION

- Section
290.150 Stallion Certification Requirements
290.155 Certification of Stallion for First Time or Under New Ownership Before Offering Service
290.160 Renewal Application for Offering or Standing Stallion for Service
290.165 Breeding Record of Stallion – Record of Mares Bred
290.170 Stallion Siring Foal Must Qualify In Order For Foal to be Eligible for Registration as an Illinois Conceived and Foaled Horse (Repealed)
290.175 Notification if Certified Stallion is Moved
290.177 Notification of Sale or Transfer of Ownership of Certified Stallion
290.178 Stallion Eligibility Certificate
290.180 Stallion Qualification Procedures (Repealed)
290.185 Qualifications for Illinois Conceived and Foaled Thoroughbred Horses
290.190 Registration for Illinois Conceived and Foaled Horses
290.195 Qualifications for Illinois Foaled Thoroughbred Horses
290.200 Registration for Illinois Foaled Thoroughbred Horses
290.205 Grandfather Rights of Thoroughbred Horses Registered Under the Illinois Horse Racing Act (Repealed)
290.210 Thoroughbred Stallion Owners Awards
290.215 Illinois Conceived and Foaled Thoroughbred Racing at County Fairs

SUBPART D: QUARTER HORSE DIVISION

- Section
290.220 Stallion Certification Requirements
290.225 Certification of Stallion for First Time or Under New Ownership Before Offering Service
290.230 Renewal Application for Offering or Standing Stallion for Service
290.235 Breeding Record of Stallion – Record of Mares Bred
290.240 Requirements for Transported Fresh Semen of a Certified Stallion
290.245 Notification if Certified Stallion is Moved
290.250 Notification of Sale or Transfer of Ownership of Certified Stallion
290.255 Stallion Eligibility Certificate

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 290.260 Qualifications for Illinois Conceived and Foaled Quarter Horses
290.265 Registration for Illinois Conceived and Foaled Horses
290.270 Quarter Horse Racing at County Fairs or Other Locations
290.275 Illinois Conceived and Foaled Quarter Horse Races at the Illinois State Fair and DuQuoin State Fair
290.280 Quarter Horse Racing at Illinois Pari-mutuel Racetracks

AUTHORITY: Implementing and authorized by Sections 30, 30.5 and 31 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/30, 30.5 and 31].

SOURCE: Rules and Regulations Relating to the Illinois Standardbred and Thoroughbred Horse Breeding and Racing Programs, filed October 13, 1976, effective October 23, 1976; filed December 21, 1977, effective January 1, 1978; 3 Ill. Reg. 26, page 164, effective June 28, 1979; 4 Ill. Reg. 25, page 88, effective June 4, 1980; codified at 5 Ill. Reg. 10544; amended at 12 Ill. Reg. 14515, effective September 6, 1988; amended at 15 Ill. Reg. 5207, effective April 1, 1991; amended at 25 Ill. Reg. 7679, effective June 8, 2001; amended at 28 Ill. Reg. 11132, effective July 23, 2004; amended at 43 Ill. Reg. 7408, effective June 21, 2019.

SUBPART A: RULES RELATING TO
ILLINOIS STANDARDBRED, THOROUGHBRED AND QUARTER
HORSE BREEDING AND RACING PROGRAMS

Section 290.10 Purpose and Definitions

- a) Purpose
The purpose of this Part is to establish the standards the Department of Agriculture will use in determining that a foal qualifies as an Illinois conceived and foaled standardbred, thoroughbred or quarter horse or Illinois foaled thoroughbred for the purpose of eligibility for races with purses supplemented through Standardbred, Thoroughbred and Racing Quarter Horse Breeders Fund Programs.

- b) Definitions
~~As used in this Part, unless otherwise required by the context, the singular form shall also impart the plural and vice versa.~~

"Act" means the Illinois Horse Racing Act of 1975 [230 ILCS 5].

"Administrator" means an employee of the Department responsible for the

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

administration of the Illinois Standardbred Breeders Program, Illinois Thoroughbred Breeders Program and Illinois Quarter Horse Breeders Program.

"Breeder" – In the Standardbred Breeders Program and the Quarter Horse Breeders Program, "breeder" means the owners of the mare (dam) at the time of conception. In the Thoroughbred Breeders Program, "breeder" means the owners of the mare (dam) at the time of foaling.

"Conceived" – A horse is conceived at the place where the mare (dam) is bred.

"Department" or "Department of Agriculture" means the [Illinois](#) Department of Agriculture ~~of the State of Illinois~~.

"Director" means the Director of the [Illinois](#) Department of Agriculture ~~of the State of Illinois~~.

"Foaled" – A horse is foaled at its place of birth.

"Illinois [Resident](#)~~resident~~" means:

An individual who is physically present in the State of Illinois with the intention to remain and is considered to be a resident by the Illinois Department of Revenue or Illinois Secretary of State.

A partnership, joint venture, limited partnership, limited liability company or other syndicate or association shall qualify as an Illinois resident provided all of the individual members and/or beneficiaries qualify individually as residents of the State of Illinois. The Articles of Agreement of any one of these types of entities must contain a restriction ~~that provides~~ that the ownership or transfer of interest by any one of the persons party to the agreement can only be made to a person who qualifies as an Illinois resident.

A corporation shall be considered an Illinois resident if:

it is incorporated in Illinois;⁵

all incorporators, directors, officers, and stockholders qualify individually as residents of the State of Illinois;⁵ and

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

the bylaws and stock certificates of the corporation contain a restrictive stock transfer agreement that provides for ownership or transfer of the stock only to persons who qualify as ~~an~~ Illinois ~~residents~~ resident.

"Investigator" means an employee of the Department who is authorized to conduct investigations for the Department relative to those Sections of the Horse Racing Act of 1975 ~~that~~ which are under the jurisdiction of the Department of Agriculture and such other duties as assigned by the Director.

"Lessee", for the purposes of Subpart B, means a resident of the State of Illinois who contracts with an Illinois resident who owns a certified stallion (see Sections 290.55 and 290.60) to stand that stallion within the State of Illinois. For purposes of Subparts C and D, a lessee and owner are not required to be Illinois residents.

"Standardbred ~~Horse~~horse" means a horse registered or eligible to be registered by the United States Trotting Association.

"Thoroughbred ~~Horse~~horse" means a horse registered or eligible to be registered by the Jockey Club.

"Timely ~~Filed~~filed" ~~means all~~—All official documents, reports or similar forms are considered to be timely filed if they are ~~either~~ delivered to the Department on or before the date due or postmarked on or before the date due.

"Quarter ~~Horse~~horse" means a horse registered or eligible to be registered by the American Quarter Horse Association.

(Source: Amended at 43 Ill. Reg. 7408, effective June 21, 2019)

SUBPART B: STANDARDBRED DIVISION

Section 290.50 Stallion Certification Requirements

- a) All standardbred stallions standing for service in Illinois must be certified annually with the Department for foals of the stallions to be registered in the Illinois Standardbred Breeders Fund Program and to be eligible to race in races restricted to Illinois conceived and foaled horses.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- b) No person shall knowingly prepare or cause to be prepared an application for certification containing false information. Any false information shall be grounds for denying an Illinois Stallion Eligibility Certificate and/or cancellation of an Illinois Stallion Eligibility Certificate.
- c) No stallion can be certified as an Illinois stallion by a person who does not meet the residency requirement set forth in Section 290.10. To be certified as an Illinois stallion:
 - 1) the stallion shall be owned by a resident of the State of Illinois and stand for service within the State of Illinois at the time of a foal's conception;
 - 2) the stallion must not stand for service at any place outside of the State of Illinois during the calendar year in which the foal is conceived; and
 - 3) the owners of the stallion must be, or must have been for the 12 months prior, residents of Illinois.
- d) ~~Semen from an Illinois certified stallion may be shipped for immediate use to other locations within the State, but cannot be shipped to locations outside the State of Illinois during the calendar year for which the stallion is certified.~~

(Source: Amended at 43 Ill. Reg. 7408, effective June 21, 2019)

Section 290.67 Requirements for Transported Fresh Semen of a Certified Stallion

- a) Rules Applicable Beginning January 1, 2022
 - 1) Semen from an Illinois-certified stallion may be transported within the State for the purpose of inseminating a mare or mares within the State but cannot be transported outside the State. ~~b)The mare owners or their authorized representative must file a Transported Fresh Semen Report with the Department, within 10 days after insemination, indicating the insemination dates, the insemination site, a description of the mare, the ownership of the mare, and the name of the person who performed the insemination. Subsequent inseminations utilizing transported fresh semen must be reported as required by this subsection.~~

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 2e) The mare must be in the State at the time of conception, and ~~that~~^{such} fact will be verified by a Department employee.
- 3d) The stallion owners or their authorized representative must indicate on the Record of Mares Bred (see Section 290.65) all mares artificially inseminated with transported fresh semen.
- b) Rules Applicable from January 1, 2018 Through December 31, 2021
- 1) Semen from an Illinois stallion may be transported outside of the State and the resultant foals will be eligible for registration as Illinois conceived and foaled horses as provided in Section 31(j) of the Act.
- 2) The mare (dam) need not be inseminated in Illinois or be in Illinois when the foal is dropped and 30 days before or after the foaling.

(Source: Amended at 43 Ill. Reg. 7408, effective June 21, 2019)

Section 290.85 Qualifications for Illinois Conceived and Foaled Standardbred Horses

- a) A horse, to be qualified for the Illinois Standardbred Breeders Fund Program and for races restricted to Illinois conceived and foaled horses, must meet the following requirements:
- 1) Except as provided in the Act, an~~A~~ Illinois conceived and foaled horse is a foal born in this State and sired by a certified Illinois stallion standing for service within this State at the time of the foal's conception; and
- 2) Except as provided in the Act, a~~A~~ mare (dam) of an Illinois conceived and foaled horse must be in the State a total of 30 consecutive days that includes the foaling date.
- b) Embryo Transfer
- 1) Foals produced by embryo transfer procedures will be eligible for the Illinois Standardbred Breeders Fund Program and qualified for races restricted to Illinois conceived and foaled horses, provided all of the following requirements have been satisfied:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- A) the donor mare was at least three years old at the time of the conception;
 - B) conception of the donor mare occurred within the State;
 - C) the foal was sired by a certified Illinois stallion standing for service within this State at the time of the foal's conception;
 - D) prior to the embryo transplant, the donor mare owner or his or her authorized representative contacted and advised the ~~Department's Illinois Department of Agriculture's~~ Horse Racing Program of the embryo transplant;
 - E) the Department received from the donor mare owner, prior to the embryo transplant, a signed statement from a veterinarian licensed to practice in Illinois indicating that the veterinarian believes that it is unlikely the donor mare can carry the embryo to a successful birth;
 - F) after the embryo transplant was performed, the donor mare owner or his or her authorized representative provided to the ~~Department's~~ Horse Racing Program all information concerning markings, identity and location of the recipient mare;
 - G) the recipient mare was identified by a Department equine investigator at an Illinois location prior to foaling;
 - H) the birth of the foal by the recipient mare occurred within the State; and
 - I) the recipient mare was in the State a total of 30 consecutive days that includes the foaling date.
- 2) Only the first living foal of a donor mare produced by embryo transplant in a calendar year shall be eligible to participate in the Illinois Standardbred Breeders Fund Program each year. Notwithstanding any provision of this Section to the contrary, the registration with the United States Trotting Association of any additional foal produced by the donor mare by embryo transplant during that year will void the eligibility of all

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

foals produced by the donor mare by embryo transplant for the Illinois Standardbred Breeders Fund Program for that year.

- c) Any foal produced by cloning will not be eligible for registration with the Illinois Standardbred Breeders Fund Program.

(Source: Amended at 43 Ill. Reg. 7408, effective June 21, 2019)

Section 290.90 Registration for Illinois Conceived and Foaled Horses

- a) An application for foal registration for an Illinois conceived and foaled standardbred foal must be filed with the Department within 10 days after foaling. The application shall be made on forms provided by the Department. The forms shall be completed by the owners of the foal or their authorized representative and that person shall provide all the information required. Except as provided in the Act, the foal must remain in the State until it has been identified by a Department representative or until written notice that the foal application has been accepted and the foal registration is issued by the Department.
- b) Procedures for Registration of Illinois Conceived and Foaled Standardbreds:
- 1) The owners of the foal, or their authorized representative, shall complete an application for foal registration showing the name of the mare (dam), the name of the sire, the date and location of foaling, and the color, sex and markings of the foal.
 - 2) If the foal has met all the requirements for registration, a Foal Eligibility Registration Certificate will be issued.
 - 3) In the event of a sale or transfer of ownership of a standardbred foal registered with the Department, the transfer of ownership shall be executed on the front of the Foal Eligibility Registration Certificate for the foal and the endorsed certificate forwarded to the Department. A new certificate will be issued to the new owners.
- c) The Department shall impose monetary penalties, as prescribed by Section 40 of the Act~~in accordance with 230 ILCS 5/40~~, for the late filing of an application for foal registration.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 43 Ill. Reg. 7408, effective June 21, 2019)

SUBPART C: THOROUGHBRED DIVISION

Section 290.190 Registration for Illinois Conceived and Foaled Horses

- a) An application for foal registration for an Illinois conceived and foaled thoroughbred foal must be filed with the Department within 10 days after foaling. The application shall be made on forms provided by the Department. The forms shall be completed by the owners of the foal or their authorized representative and that person shall provide all the information required. The foal must remain in the State until it has been identified by a Department representative or until written notice that the foal application has been accepted and the foal registration is issued by the Department.
- b) Procedures for Registration of Illinois Conceived and Foaled Thoroughbreds:
 - 1) The owners of the foal, or their authorized representative, shall complete an application for foal registration showing the name of the mare (dam), the name of the sire, the date and location of foaling, and the color, sex and markings of the foal.
 - 2) To complete the official registration of an Illinois conceived and foaled horse, the owners or their authorized representative must forward the Jockey Club Certificate to the Department. If the horse has met all of the requirements for registration, the Illinois official seal shall be affixed on the face of the Jockey Club Certificate. The seal shall include the Illinois registration number for that horse.
 - A) The Jockey Club Certificate with the Illinois registration number will be the official registration certificate for the Illinois Thoroughbred Conceived and Foaled Program. The Jockey Club Certificate with the Department seal shall be returned to the owner of the horse by [a mail delivery system that includes tracking capabilities](#)~~registered mail~~.
 - B) If the Jockey Club Certificate is lost, ~~or~~ destroyed or replaced, the duplicate Jockey Club Certificate for the horse must receive a new Department seal to be valid for the Illinois Conceived and Foaled

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Program.

- c) The Department shall impose monetary penalties, [as prescribed by Section 40 of the Act in accordance with 230 ILCS 5/40](#), for the late filing of an application for foal registration.

(Source: Amended at 43 Ill. Reg. 7408, effective June 21, 2019)

Section 290.200 Registration for Illinois Foaled Thoroughbred Horses

- a) An application for foal registration for an Illinois foaled thoroughbred foal must be filed with the Department within 10 days after foaling. The application shall be made on forms provided by the Department. The forms shall be completed by the owners of the foal or their authorized representative and ~~that such~~ person shall provide all the information required. The foal must remain in the State until it has been identified by a Department representative or until written notice that the foal application has been accepted and the foal registration is issued.
- b) Procedures for Registration of Illinois Foaled Thoroughbreds-
- 1) The owners of the foal, or their authorized representative, shall complete an application for foal registration showing the name of the mare (dam), the name of the sire, the date of foaling, and the color, sex and markings of the foal.
 - 2) To complete the official registration of an Illinois foaled horse, the owners or their authorized representative must forward the Jockey Club Certificate to the Department. If the horse has met all the requirements for registration, the Illinois official seal shall be affixed on the face of the Jockey Club Certificate. The seal shall include the Illinois registration number for the horse.
 - A) The Jockey Club Certificate with the Illinois registration number will be the official registration certificate for the Illinois Foaled Thoroughbred Program. The Jockey Club Certificate with the Department seal shall be returned to the owner of the horse by [a mail system that includes tracking capabilities](#)~~registered mail~~.
 - B) If the Jockey Club Certificate is lost, ~~or~~ destroyed or replaced, the

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

duplicate Jockey Club Certificate for that horse must receive a new Department seal to be valid for the Illinois Foaled Thoroughbred Program.

- c) The Department shall impose monetary penalties, [as prescribed by Section 40 of the Act in accordance with 230 ILCS 5/40](#), for the late filing of an application for foal registration.

(Source: Amended at 43 Ill. Reg. 7408, effective June 21, 2019)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- 1) Heading of Part: Municipal Urban Agricultural Areas
- 2) Code Citation: 8 Ill. Adm. Code 955
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
955.10	New Section
955.20	New Section
955.30	New Section
955.40	New Section
955.50	New Section
955.60	New Section
- 4) Statutory Authority: Implementing and authorized by Article 15.4 of the Illinois Municipal Code [65 ILCS 5/11-15.4] and Section 205-65 of the Civil Administrative Code of Illinois [20 ILCS 205/205-65].
- 5) Effective Date of Rules: June 21, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, Article 15.4 of the Illinois Municipal Code [65 ILCS 5/11-15.4]
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 4047; April 5, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rulemaking: The adopted rules complete the Department's responsibilities to establish new rules as required by Section 205-65 of the Civil Administrative Code of Illinois [20 ILCS 205/205-65]. The rules establish the definition of a Qualified Farmer. The rules will be used by Urban Agricultural Area Committees to determine eligibility of Urban Agricultural Area applicants. The rules will also provide a mechanism by which Urban Agricultural Areas may obtain an opinion from the Department.
- 16) Information and questions regarding these adopted rules shall be directed to:

Albert A. Coll
Assistant General Counsel
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield IL 62794-9281

217/782-5051
fax: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER u: GENERAL RULESPART 955
MUNICIPAL URBAN AGRICULTURAL AREAS

SUBPART A: PURPOSE AND DEFINITIONS

Section

955.10	Purpose and General Definitions
955.20	Definition of Beginning Farmer
955.30	Definition of Small- or Medium-Sized Farmer
955.40	Definition of Limited Resource Farmer
955.50	Definition of Socially-Disadvantaged Farmer

SUBPART B: GENERAL PROVISIONS

Section

955.60	Advisory Opinions from the Department
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AUTHORITY: Implementing and authorized by Article 11, Division 15.4 of the Illinois Municipal Code [65 ILCS 5] and Section 205-65 of the Department of Agriculture Law [20 ILCS 205].

SOURCE: Adopted at 43 Ill. Reg. 7422, effective June 21, 2019.

SUBPART A: PURPOSE AND DEFINITIONS

Section 955.10 Purpose and General Definitions

- a) **Purpose**
The purpose of this Part is to establish definitions to determine the status of a "qualifying farmer" under the Act, and to outline the process to obtain an advisory opinion from the Department.
- b) **Definitions**
The Department incorporates by reference the definitions of terms in Article 11, Division 15.4 of the Illinois Municipal Code [65 ILCS 5].

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

"Act" means Article 11, Division 15.4 of the Illinois Municipal Code [65 ILCS 5].

"Department" means the Illinois Department of Agriculture.

"Farmer" means a person who has filed an urban agricultural area application with an urban agricultural area committee.

"Urban agricultural area" means an area defined by a municipality and entirely within that municipality's boundaries within which one or more qualifying farmers are processing, growing, raising, or otherwise producing locally-grown agricultural products, as defined by the Act.

"Urban agricultural area committee" means a committee established under the Act, organized for the purpose of reviewing applications for urban agricultural areas.

"Secretary" means the Secretary of the U.S. Department of Agriculture.

Section 955.20 Definition of Beginning Farmer

- a) Source
The Department incorporates the Secretary's definition of a beginning farmer as stated in subsection (b).
- b) Definition
 - 1) A beginning farmer is a farmer that has:
 - A) not operated a farm, or who has not operated a farm for not more than 10 consecutive years. This requirement applies to all members of an entity that operates as a farmer; and
 - B) will materially and substantially participate in the operation of the farm.
 - 2) In the case of a contract with an individual, individually or with the immediate family, "material and substantial participation" requires that the individual provide substantial day-to-day labor and management of the

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

farm or ranch, consistent with the practices in the county where the farm is located.

- 3) In the case of a contract with an entity, all members must materially and substantially participate in the operation of the farm or ranch. Material and substantial participation requires that each of the members provide some amount of the management, or labor and management, necessary for day-to-day activities, such that, if each of the members did not provide these inputs, operation of the farm or ranch would be seriously impaired.

Section 955.30 Definition of Small- or Medium-Sized Farmer

Definition

A small- or medium-sized farmer means a farmer who has received a Direct Farm Ownership Microloan, or a Direct Farm Operating Microloan, through the USDA Microloan Program.

Section 955.40 Definition of Limited Resource Farmer

- a) Source
The Department incorporates the Secretary's definition of a limited resource farmer as stated in subsection (b).
- b) Definition
 - 1) A limited resource farmer is a farmer that has:
 - A) direct or indirect gross farm sales that are less than the current indexed value in each of the previous 2 years; and
 - B) a total household income at or below the national poverty level for a family of 4, or less than 50% of the county median household income in each of the previous 2 years.
 - 2) An entity or joint operation can be a limited resource farmer if all individual members independently qualify.
 - 3) The Secretary maintains an online tool that allow users to determine whether they meet the qualifications to be a limited resource farmer (https://lrftool.sc.egov.usda.gov/LRP_Definition.aspx).

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

Section 955.50 Definition of Socially-Disadvantaged Farmer

- a) **Source**
The Department incorporates the Secretary's definition of a socially-disadvantaged farmer as stated in subsection (b).
- b) **Definition**
 - 1) A socially-disadvantaged farmer is a farmer that is a member of a socially disadvantaged group. A socially disadvantaged group is a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group, without regard to their individual qualities. These groups consist of the following:
 - A) American Indians or Alaskan Natives;
 - B) Asians;
 - C) Blacks or African Americans;
 - D) Native Hawaiians or other Pacific Islanders; and
 - E) Hispanics.
 - 2) A socially disadvantaged farmer may be an individual or entity who is a member of a socially disadvantaged group. For an entity, at least 50% ownership in the farm business must be held by socially-disadvantaged individuals.

SUBPART B: GENERAL PROVISIONS

Section 955.60 Advisory Opinions from the Department

- a) **Requesting an Opinion**
An urban agricultural area committee that desires an opinion from the Department as to whether an applicant meets one of the definitions to be considered a qualifying farmer under the Act may request that opinion in writing. The request

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

for an opinion should include the application and all relevant materials. The request should be sent to:

Illinois Department of Agriculture
Attn: Director
P.O. Box 19281
Springfield IL 62794-9281

- b) Department's Response
Upon receiving a request for an opinion, the Director shall review and, within 90 days after the date of receipt of the request, notify the urban agricultural area committee in writing of his or her opinion. The written opinion will constitute a "decision" under the Administrative Review Act [735 ILCS 5/Art. III].

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nursing School Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 1100
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1100.100	Amendment
1100.200	Amendment
1100.300	Amendment
1100.400	Amendment
1100.420	New Section
1100.500	Repealed
1100.600	Repealed
1100.700	Amendment
1100.800	Amendment
1100.900	New Section
- 4) Statutory Authority: 110 ILCS 205
- 5) Effective Date of Rules: June 20, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The rulemaking does not include incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted rules is on file in the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: March 8, 2019, 43 Ill. Reg. 3106
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Added a fifth criterion in Section 1100.420 to clarify that other Board considerations will be weighted at 25% during application review. Several technical changes/corrections were made to the rule from the proposed version.

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Program changes are needed due to the reduction in State funding, the call to expand baccalaureate completion programs, the required cross references to the rules for the Grant Accountability and Transparency Act (GATA), and the addition of masters entry level programs for registered professional nurses.
- 16) Information and questions regarding these adopted rules shall be directed to:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377

217/557-7358
fax: 217/782-8548
helland@ibhe.org

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

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER II: BOARD OF HIGHER EDUCATIONPART 1100
NURSING SCHOOL GRANT PROGRAM

Section

1100.100	Purpose
1100.200	Definitions
1100.300	Eligible Nursing Program
1100.400	Application Process
1100.420	Grant Awards
1100.500	Expansion Grants (Repealed)
1100.600	Improvement Grants (Repealed)
1100.700	Award Process
1100.800	Audit Requirements
1100.900	Post-Award Requirements

AUTHORITY: Implementing and authorized by Section 9.31 of the Board of Higher Education Act [110 ILCS 205].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 17113, effective October 16, 2006, for a maximum of 150 days; adopted at 31 Ill. Reg. 3145, effective February 7, 2007; amended at 35 Ill. Reg. 17458, effective October 14, 2011; emergency amendment at 42 Ill. Reg. 16096, effective August 6, 2018, for a maximum of 150 days; emergency expired January 2, 2019; amended at 43 Ill. Reg. 7429, effective June 20, 2019.

Section 1100.100 Purpose

The purpose of the Nursing School Grant Program is to address the nursing shortage in Illinois by *increasing the number of nurses graduating from Illinois institutions of higher learning* [110 ILCS 205/9.31]. ~~The Program is comprised of two grant categories: Expansion Grants and Improvement Grants. Grants for both categories shall be awarded on the basis of performance criteria~~ [110 ILCS 205/9.31] and a competitive application process.

(Source: Amended at 43 Ill. Reg. 7429, effective June 20, 2019)

Section 1100.200 Definitions

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"ACEN" means Accreditation Commission for Education in Nursing.

"Awardee" or "Grantee" means, for the purposes of this Part, an institution of higher learning that offers an eligible nursing program and carries out a grant/award as a recipient.

"Baccalaureate Completion Program" means, for the purposes of this Part, courses and bachelor's degree programs offered by 4-year degree-granting colleges and universities via an online program or at a location geographically convenient to student populations currently being served by an existing institution of higher learning.

"Board" means the Board of Higher Education.

"CCNE" means the Commission on Collegiate Nursing Education.

"Community College" means the public community colleges of this State.

"DFPR" means the Illinois Department of Financial and Professional Regulation.

"Eligible Nursing Program" means a nursing program at an Illinois institution of higher learning that prepares registered professional nurses in accordance with Section 1100.300 and offers at least one of the following nursing degree programs:

"ADN" means an Associate Degree in Nursing. Upon completion of the program, a graduate must be eligible to take the examination (NCLEX-RN) for licensure as a registered nurse.

"BSN" means a Bachelor of Science in Nursing. This program admits pre-licensure students and awards a Bachelor of Science degree in nursing. Upon completion of the program, a graduate must be eligible to take the examination (NCLEX-RN) for licensure as a registered professional nurse.

"RN-BSN" means a baccalaureate completion program that admits registered professional nurses and awards a Bachelor of Science degree in nursing.

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"MSN Entry" means a Master's of Science in Nursing program for students with bachelor's degrees in other fields who want to transition into nursing. Upon completion of the program, a graduate must be eligible to take the examination (NCLEX-RN) for licensure as a registered professional nurse.

~~"DFPR" means the Illinois Department of Financial and Professional Regulation or its successor.~~

~~"Expansion Grant" means a competitive grant, renewable for up to three years, under this Part that supports high performing eligible nursing schools for the purpose of expanding nursing program capacity and either increasing the number of students preparing for initial licensure as registered nurses (ADN or BSN) or increasing the number of registered nurses completing baccalaureate completion programs (RN-BSN).~~

~~"Improvement Grant" means an annual competitive grant under this Part that supports eligible nursing schools with the purpose of increasing student retention and improving institutional NCLEX-RN pass rates.~~

"GATA" means the Grant Accountability and Transparency Act [30 ILCS 708].

"GATA Rule" means 44 Ill. Adm. Code 7000.

"GATU" means the Grant Accountability and Transparency Unit within the Illinois Governor's Office of Management and Budget.

"Grant Period" or "Period of Performance" means the time during which the awardee may incur new obligations to carry out the work authorized under the grant. The Board will include the start and end dates in the award.

"Institution of Higher Learning" means a public or nonpublic institution of higher education located within Illinois that offers associate, baccalaureate or post-baccalaureate degrees and that is authorized to operate in the State of Illinois.

~~"NLNAC" means the National League for Nursing Accrediting Commission.~~

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"NCLEX-RN" means the National Council Licensure Examination-Registered Nurse. Passing the NCLEX-RN is required of candidates for licensure as a registered professional nurse~~Registered Nurse~~ (RN) in Illinois.

"Performance Goal" means a target level of performance expressed as a tangible, measurable objective or as a qualitative standard, value or rate. A performance goal includes a performance indicator, a target, and a time period, and must be expressed in an objective, quantifiable or measurable form when possible. When necessary, the Board and an awardee shall use an alternative performance goal (such as a set of milestones) described in a way that makes it possible to discern whether progress is being made toward that goal.

"Program" means the Nursing School Grant Program.

(Source: Amended at 43 Ill. Reg. 7429, effective June 20, 2019)

Section 1100.300 Eligible Nursing Program

Illinois institutions of higher learning offering registered professional nursing degree programs must meet the following criteria to be eligible to receive a grant under this Part:

- a) ADN programs must:
 - 1) Be approved by DFPR;
 - 2) Be accredited by ACEN~~NLNA~~C; and
 - 3) Have an articulation agreement with at least one institution of higher learning that offers baccalaureate degrees for registered professional nurses.
- b) BSN programs must:
 - 1) Be approved by DFPR; and
 - 2) Be accredited by CCNE or ACEN~~NLNA~~C.
- c) RN-BSN programs must be accredited by ~~the~~ CCNE or ACEN~~the~~ NLNAC.

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- d) MSN Entry program must:
- 1) Be approved by DFPR; and
 - 2) Be accredited by CCNE or ACEN.

(Source: Amended at 43 Ill. Reg. 7429, effective June 20, 2019)

Section 1100.400 Application Process

- a) Eligible nursing programs, as defined in this Part, will be notified by the Board when funding opportunities and application materials for grant opportunities under this Part are available.
- b) Application materials may be obtained from the Illinois Board of Higher Education, 1 N. Old State Capitol Plaza, Suite #333431 East Adams Street, Second Floor, Springfield IL, Illinois 62701-1404 or the Board's website at www.ibhe.org.
- c) This State-funded program is subject to GATA. GATA rules are cross-referenced in this Part. Completed application materials signed by the institution's chief executive officer must be received by the Board by the announced deadline for the submission of applications, which shall not be less than 45 days from the announcement and release of application materials. Application materials will be due no later than October 31 of each year.
- d) Completed application materials must be signed by the institution's authorized representative and received by the Board by the announced deadline for the submission of applications, which shall not be less than 45 days from the announcement and release of application materials. Application materials will be due no later than October 31 of each year. Grantees maintaining eligibility criteria in accordance with Section 1100.500(b) or Section 1100.600(b) may annually reapply for funding.

(Source: Amended at 43 Ill. Reg. 7429, effective June 20, 2019)

Section 1100.420 Grant Awards

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) In a given fiscal year, the Program appropriations shall be allocated for projects based on the following order of priority:
- 1) Funding for baccalaureate completion programs to facilitate student articulation from an ADN program offered by a community college to a BSN or RN-BSN program;
 - 2) Funding for continuation of a grant previously awarded under this Part; or
 - 3) Funding for a new grant to expand or improve an eligible nursing program.
- b) Grant applications under this Part shall include, but need not be limited to, the following items:
- 1) Comprehensive description of the proposed use of funds, including evidence of current research and best practices, to support proposed strategies.
 - 2) Budget by line items, including personnel services, fringe benefits, travel, equipment, supplies, contractual services, consultant (professional services), training and education, and direct administrative costs, submitted on the uniform grant budget template provided by GATU (see GATA Rule Section 7000.330). Acceptable expenditures may include, but are not limited to, the following direct costs:
 - A) Hiring additional qualified nursing faculty and staff;
 - B) Developing or expanding instructional programs (e.g., online, weekend, evening);
 - C) Developing or expanding academic support services or programs;
 - D) Securing additional clinical instruction sites;
 - E) Improving or increasing spaces for classrooms or laboratories; and
 - F) Purchasing equipment and other program-related instructional materials.

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) Project objectives and performance goals, including, but not limited to, the following:
 - A) Number of degrees conferred (3-year trend);
 - B) First-year retention rate (3-year trend based on 30 semester hours or equivalent);
 - C) NCLEX-RN pass rate for first-time test takers in comparison to the national average for the previous calendar year as reported by DFPR; and
 - D) Job placement within 6 months after degree completion (3-year trend).
 - 4) Statement of institutional support and sustainability of grant-funded activities.
 - 5) Uniform grant application provided by GATU and signed by authorized representative (see GATA Rule Section 7000.330).
- d) The grant awards for eligible nursing programs shall be determined using a competitive process to review applications. The Board's standards for approval include, but are not limited to, the following criteria, considerations and weightings:
- 1) Evidence of effective project objectives and performance goals (25%);
 - 2) Proposed use of funds and budget justification demonstrating an effective use of program resources (25%);
 - 3) Evidence of institutional support and sustainability of grant-funded activities (10%);
 - 4) Evidence of an effective plan to evaluate progress (15%); and
 - 5) Other Board considerations (25%).

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

e) For a grant applicant who is a prior recipient of an award under this Part, the Board shall review available information on the awardee's prior performance and consider that information when assessing grantee risk. This is part of the grantee risk assessment provided by GATU (see GATA Rule Section 7000.340).

f) Grant funding is subject to Program appropriations.

(Source: Added at 43 Ill. Reg. 7429, effective June 20, 2019)

Section 1100.500 Expansion Grants (Repealed)

a) ~~In a given fiscal year, the amount of the Program appropriation or allocation to support Expansion Grants shall be based on the following order of priority:~~

- 1) ~~Funding for renewal grants;~~
- 2) ~~Funding for grants in year one of a three-year grant cycle; or~~
- 3) ~~A combination of renewal and first year grants the Board deems appropriate to maximize the grant awards.~~

b) ~~Eligibility Criteria~~

- 1) ~~ADN and BSN programs must meet both of the following criteria:~~
 - A) ~~NCLEX-RN pass rate for first-time test takers must be equal to or greater than the national average for the previous calendar year as reported by DFPR.~~
 - B) ~~Program attrition rate must be equal to or less than 15 percent.~~
- 2) ~~RN-BSN programs must have a program attrition rate equal to or less than 15 percent.~~

e) ~~Grant applications for Expansion Grants under this Part shall include, but need not be limited to, the following:~~

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Comprehensive description of the proposed use of funds in accordance with subsection (e), including evidence of current research and best practices to support proposed strategies.~~
 - 2) ~~Budget by line item, including personal services, contractual services, commodities, equipment, telecommunications, travel, and audit.~~
 - 3) ~~Performance measures, including, but not limited to, the following:~~
 - A) ~~Eligibility criteria in accordance with subsection (b);~~
 - B) ~~First year retention rate;~~
 - C) ~~Job placement within 6 months of degree completion; and~~
 - D) ~~Number of degrees conferred (three year trend).~~
 - 4) ~~Statement of institutional support and sustainability of grant funded activities.~~
 - 5) ~~Evaluation plan.~~
 - 6) ~~Program audit and an interim evaluation report from the previous year, if the applicant received an Expansion Grant under this Part.~~
- d) Awards
- 1) ~~The grant awards for eligible nursing programs shall be determined using a competitive process to review applications that shall include, but need not be limited to, the following criteria:~~
 - A) ~~Evidence of effective program goals and performance measures;~~
 - B) ~~Proposed use of funds and budget justification demonstrating an effective use of program resources;~~
 - C) ~~An effective evaluation plan including reliable measures of performance and program outcomes;~~

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ~~D) Evidence of institutional support and sustainability of grant funded activities; and~~
- ~~E) Number of completed applications received in accordance with subsection (c).~~
- ~~2) The number and amount of grant awards is subject to the Program appropriation or allocation.~~
- ~~e) Use of Grant Funds. Expansion Grant funds shall be used to expand capacity and increase the number of students preparing for careers as registered nurses. Acceptable expenditures may include, but are not limited to, the following:
 - ~~1) Hiring additional qualified nursing faculty;~~
 - ~~2) Developing or expanding instructional programs (e.g., online, weekend, evening);~~
 - ~~3) Developing or expanding academic support programs;~~
 - ~~4) Securing additional clinical instruction sites;~~
 - ~~5) Increasing classroom space;~~
 - ~~6) Purchasing equipment and other program related instructional materials; and~~
 - ~~7) Evaluation, dissemination of program results, and program audit.~~~~
- ~~f) Grantees may annually reapply for funding.~~
- ~~g) Grantees must submit a final evaluation report.~~

(Source: Repealed at 43 Ill. Reg. 7429, effective June 20, 2019)

Section 1100.600 Improvement Grants (Repealed)

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) ~~In a given fiscal year, the amount of the Program appropriation or allocation directed to Improvement Grants is the remainder after the Expansion Grant determination.~~
- b) ~~Eligibility Criteria~~
- 1) ~~ADN and BSN programs must meet at least one of the following criteria:~~
- A) ~~NCLEX RN pass rate for first time test takers must be less than the national average for the previous calendar year as reported by DFPR.~~
- B) ~~Program attrition rate must be greater than 15 percent.~~
- 2) ~~RN-BSN programs must have a program attrition rate greater than 15 percent.~~
- e) ~~Grant applications for Improvement Grants under this Part shall include, but need not be limited to, the following:~~
- 1) ~~Comprehensive description of the proposed use of funds in accordance with subsection (e), including evidence of current research and best practices to support proposed strategies.~~
- 2) ~~Budget by line item, including personal services, contractual services, commodities, equipment, telecommunications, travel, and audit.~~
- 3) ~~Performance measures, including, but not limited to, the following:~~
- A) ~~Eligibility criteria in accordance with subsection (b);~~
- B) ~~First year retention rate;~~
- C) ~~Job placement within 6 months after degree completion; and~~
- D) ~~Number of degrees conferred (three year trend).~~
- 4) ~~Statement of institutional support and sustainability of grant funded activities.~~

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 5) ~~Evaluation plan.~~
- 6) ~~Program audit from the previous year, if the applicant received an Improvement Grant.~~
- d) Awards
 - 1) ~~The grant awards for eligible nursing programs shall be determined using a competitive process to review applications that shall include, but need not be limited to, the following criteria:~~
 - A) ~~Evidence of effective program goals and performance measures;~~
 - B) ~~Proposed use of funds and budget justification demonstrating an effective use of program resources;~~
 - C) ~~An effective evaluation plan including reliable measures of performance and program outcomes;~~
 - D) ~~Evidence of institutional support and sustainability of grant funded activities; and~~
 - E) ~~Number of completed applications received in accordance with subsection (c).~~
 - 2) ~~The number and amount of grant awards is subject to the Program appropriation.~~
- e) ~~Use of Grant Funds. Improvement Grant funds may be used to support strategies aimed at increasing student retention and improving graduation rates and institutional NCLEX-RN pass rates.~~
 - 1) ~~Acceptable expenditures may include, but are not limited to, the following:~~
 - A) ~~Developing or expanding academic support services to improve student retention and increase graduation rates and NCLEX-RN pass rates;~~

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ~~B) Improving existing classroom space;~~
 - ~~C) Purchasing equipment and other instructional materials necessary to improve instructional quality; and~~
 - ~~D) Program audit.~~
- 2) ~~Improvement Grants shall not be used to hire faculty.~~
- f) ~~Grantees may apply annually for funding.~~
- g) ~~Grantees must submit an evaluation report.~~

(Source: Repealed at 43 Ill. Reg. 7429, effective June 20, 2019)

Section 1100.700 Award Process

- a) Board staff shall review application materials pursuant to this Part and make recommendations to the Board for approval.
- b) Once grants are awarded by the Board, the Board staff shall notify each applicant in writing concerning its application.
- c) Board staff shall verify that each awardee is registered with the State of Illinois, has completed a prequalification process, and has been determined "qualified" by GATU (see GATA Rule Section 7000.70).
- d) The Board shall enter into an ~~establish a grant~~ agreement with those institutions awarded a grant under this Part using the Uniform Grant Agreement provided by GATU (see GATA Rule Section 7000.370). Project objectives and performance goals will be included in the Uniform Grant Agreement to measure the awardee's performance~~that specifies the terms and conditions of the grant.~~

(Source: Amended at 43 Ill. Reg. 7429, effective June 20, 2019)

Section 1100.800 Audit Requirements

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Grantees are subject to the Auditing Standards stipulated by GATU (see GATA Rule Section 7000.90).

- a) ~~All grantees are required to provide an annual program audit to the Board.~~
- b) ~~After the initial program year (fiscal year 2007), applications must include a program audit of grant funds received in the previous year.~~
- c) ~~Program audits must be performed by an external auditor who is registered as a public accountant by DFPR.~~
- d) ~~Program audits must include a statement of revenues and expenditures to verify the use of grant funds. Grant funds not expended as identified by the audit shall be refunded to the State.~~
- e) ~~In the event that a grant recipient does not reapply for a grant under this Part in a subsequent year, a program audit must be submitted to verify the use of grant funds.~~
- f) ~~The cost of a program audit is an allowable use of grant funds.~~

(Source: Amended at 43 Ill. Reg. 7429, effective June 20, 2019)

Section 1100.900 Post-Award Requirements

- a) The awardee shall not deviate from the budget, project scope, or objectives stated in the Grant Agreement except with mutual agreement of the Board and the awardee. (See GATA Rule Section 7000.370(b).) The Board shall review a request and notify the recipient within 30 calendar days after receipt of a request. An awardee shall request prior approval by the Board to:
 - 1) Change the scope or the objective of the project (even if there is no associated budget revision).
 - 2) Change in a key person specified by the recipient in the application or Grant Agreement.
 - 3) Transfer funds among budget categories if the cumulative amount of these transfers exceeds 10% of the detail line or \$1,000, whichever is greater.

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Transfer requests will be accepted up until the last 2 weeks of the period of performance.

- b) The awardee shall file Periodic Performance Reports with the Board on progress made and financial data for the reporting period. The initial report shall cover the first 3 months after the Board approves the award. Reports are to be filed using the forms provided by the Board and submitted no later than 30 days after the end of each quarter. (See GATA Rule Section 7000.410.)
- c) The awardee shall take the following actions to complete grant closeout at the end of the period of performance. (See GATA Rule Section 7000.440.)
- 1) Promptly refund any balances of unobligated cash that the Board paid in advance and that are not authorized to be retained by the awardee for use in other projects. Refunds shall be returned to the Board within 45 days after the end of the period of performance.
 - 2) Expend any encumbered grant funds during a lapse period of 60 days past the end of the period of performance. Any encumbered but unexpended grant funds remaining at the end of the lapse period shall be returned to the Board within 45 days.
 - 3) Submit, no later than 60 days after the end date of the grant period, the following reports:
 - A) A statement of costs and revenues signed by the institution's authorized representative.
 - B) A written evaluation of the project signed by the project manager or the institution's authorized representative. The report must address the objectives and performance measures specified in the Grant Agreement. Performance shall be measured in a way that will help the Board and other applicants and recipients improve program outcomes, share lessons learned, spread the adoption of promising practices, and build the evidence upon which the Program is based and performance decisions are made.

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) Deadlines may be extended at the discretion of the Board. Extensions shall be issued only in extraordinary circumstances not in the control of the awardee.

(Source: Added at 43 Ill. Reg. 7429, effective June 20, 2019)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Travel Regulation Council
- 2) Code Citation: 80 Ill. Adm. Code 3000
- 3) Section Number Adopted Action:
3000.APPENDIX A Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3].
- 5) Effective Date of Rule: July 1, 2019
- 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 rule, 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*: 43 Ill. Reg. 3072, March 8, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This change brings the rules governing reimbursement of travel expenses to State employees into alignment with recent changes implemented by the Travel Control Board.
- 16) Information and questions regarding this adopted rule shall be directed to:

Kelley Wells

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

State Travel Coordinator
Governor's Travel Control Board
100 E. Converse
Springfield IL 62702

217/782-4705

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000
THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section	
3000.100	Authority
3000.110	Philosophy
3000.120	Policy
3000.130	Scope and Interpretation
3000.140	Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

Section	
3000.200	Travel Control System
3000.210	Designation of Headquarters
3000.220	Expenses at Headquarters or Residence
3000.230	Preparation and Submission of Vouchers or Travel Expenses

SUBPART C: TRANSPORTATION

Section	
3000.300	Modes of Transportation
3000.310	Routing

SUBPART D: LODGING

Section	
3000.400	Lodging Allowances
3000.410	Least Costly Lodging
3000.420	Conference Lodging
3000.430	Employee Owned or Controlled Housing

SUBPART E: PER DIEM/MEALS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Section

3000.500 Per Diem Allowance
3000.510 Meal Allowance

SUBPART F: MISCELLANEOUS RULES

Section

3000.600 Reimbursable and Non-Reimbursable Expenses
3000.610 Expenses Related to Transportation
3000.620 Receipts Required
3000.630 Meals for Other Persons

SUBPART G: EXCEPTIONS

Section

3000.700 Exceptions to the Rules
3000.710 Board/Agency Rules
3000.720 Non/Required Travel

3000.APPENDIX A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; preemptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. 7372, effective May 13, 1996; amended at 20 Ill. Reg. 9025, effective July 1, 1996; amended at 21 Ill. Reg. 8899, effective July 1, 1997; amended at 22 Ill. Reg. 11713, effective July 1, 1998; emergency amendment at 23 Ill. Reg. 11332, effective August 27, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 245, effective December 27, 1999; emergency amendment at 24 Ill. Reg. 861, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 1908, effective January 2, 2000; amended at 24 Ill. Reg. 7737, effective May 9, 2000; amended at 26 Ill. Reg. 14985, effective October 8, 2002; emergency amendment at 27 Ill. Reg. 557, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 8551, effective May 12, 2003; amended at 27 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Reg. 9990, effective July 1, 2003; amended at 37 Ill. Reg. 4383, effective March 22, 2013;
amended at 43 Ill. Reg. 7447, effective July 1, 2019.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Section 3000.APPENDIX A Reimbursement Schedule

The following rates are effective for the Travel Control Boards. The rates will be reviewed annually to determine necessary adjustments.

<u>Type of Reimbursement</u>	<u>Rate</u>
<u>Mileage</u>	
Auto	See Section 3000.300(f)(2)
Plane	See Section 3000.300(g)(2)
<u>Per Diem/Meals</u>	
Within the State of Illinois	
Breakfast	\$ 5.50
Lunch	\$ 5.50
Dinner	\$ 17.00
Per Diem – Quarter	\$ 7.00
Per Diem – Day	\$ 28.00
Outside the State of Illinois	
Breakfast	\$ 6.50
Lunch	\$ 6.50
Dinner	\$ 19.00
Per Diem – Quarter	\$ 8.00
Per Diem – Day	\$ 32.00
<u>Lodging</u>	
Chicago Metro	
County of Cook	See Section 3000.400(b)
Counties of DuPage, Kane, Lake, McHenry, and Will	\$ 95.00 80.00

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Downstate Illinois

Counties of Champaign, Kankakee, LaSalle, McLean, \$ ~~85.00~~70.00
Macon, Madison, Peoria, Rock Island, St. Clair,
Sangamon, Tazewell, and Winnebago

All other Downstate counties \$ ~~75.00~~60.00

Out-of-State

District of Columbia (includes the cities of See Section 3000.400(b)
Alexandria, Falls Church, and Fairfax, and the
counties of Arlington, Loudoun, and Fairfax in
Virginia; and the counties of Montgomery and Prince
George's in Maryland)

All other Out-of-State \$110.00

Out-of-Country Actual Reasonable

(Source: Amended at 43 Ill. Reg. 7447, effective July 1, 2019)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Number: 1501.206 Adopted Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].
- 5) Effective Date of Rule: June 20, 2019
- 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 rule including any material incorporated is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 20592; November 26, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Non-substantive changes suggested by the Joint Committee on Administrative Rules have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes have been requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 99-692, adopted July 29, 2017, requires all community college trustees elected or appointed after January 1, 2017 to complete four hours of leadership training during their first, third, and fifth year in office. The training can be provided by the Illinois Community College Trustees Association (ICCTA) or any provider approved by the ICCB. On January 20, 2017, the Board adopted guidelines for

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

the approval of entities seeking to be an approved provider of trustee leadership training. This rulemaking codifies board policy in the Illinois Administrative Code.

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

Matt Berry
Chief of Staff
Illinois Community College Board
401 East Capitol Ave.
Springfield IL 62701-1711

217/785-7411
matt.berry@illinois.gov

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section

- 1501.101 Definition of Terms and Incorporations by Reference
- 1501.102 Advisory Groups
- 1501.103 Rule Adoption (Recodified)
- 1501.104 Manuals
- 1501.105 Advisory Opinions
- 1501.106 Executive Director
- 1501.107 Information Request (Recodified)
- 1501.108 Organization of ICCB
- 1501.109 Appearance at ICCB Meetings
- 1501.110 Appeal Procedure
- 1501.111 Reporting Requirements (Repealed)
- 1501.112 Certification of Organization (Repealed)
- 1501.113 Administration of Detachments and Subsequent Annexations
- 1501.114 Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section

- 1501.201 Reporting Requirements
- 1501.202 Certification of Organization
- 1501.203 Delineation of Responsibilities
- 1501.204 Maintenance of Documents or Information
- 1501.205 Recognition Standards (Repealed)
- [1501.206 Approval of Providers of Training for Trustee Leadership Training](#)

SUBPART C: PROGRAMS

Section

- 1501.301 Definition of Terms

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability
1501.310	Acceptance of Private Business Vocational School Credits by Community Colleges in Select Disciplines

SUBPART D: STUDENTS

Section	
1501.401	Definition of Terms (Repealed)
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Student Tuition
1501.506	Published Financial Statements
1501.507	Credit Hour Claims
1501.508	Special Populations Grants (Repealed)
1501.509	Workforce Preparation Grants (Repealed)
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grant (Repealed)
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants (Repealed)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

1501.518	Uncollectible Debts (Repealed)
1501.519	Special Initiatives Grants
1501.520	Lincoln's Challenge Scholarship Grants
1501.521	Technology Enhancement Grants (Repealed)
1501.522	Deferred Maintenance Grants (Repealed)
1501.523	Foundation Matching Grants (Repealed)

SUBPART F: CAPITAL PROJECTS

Section	
1501.601	Definition of Terms
1501.602	Approval of Capital Projects
1501.603	State Funded Capital Projects
1501.604	Locally Funded Capital Projects
1501.605	Project Changes (Repealed)
1501.606	Progress Reports (Repealed)
1501.607	Reporting Requirements
1501.608	Approval of Projects from 110 ILCS 805/3-20.3.01
1501.609	Completion of Projects from 110 ILCS 805/3-20.3.01
1501.610	Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

Section	
1501.701	Definition of Terms (Repealed)
1501.702	Applicability (Repealed)
1501.703	Recognition (Repealed)
1501.704	Programs (Repealed)
1501.705	Finance (Repealed)
1501.706	Personnel (Repealed)
1501.707	Facilities (Repealed)

SUBPART H: PERSONNEL

Section	
1501.801	Definition of Terms
1501.802	Sabbatical Leave

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective December 21, 1999; amended at 24 Ill. Reg. 17522, effective November 20, 2000; amended at 25 Ill. Reg. 7161, effective May 18, 2001; emergency amendment at 25 Ill. Reg. 12863, effective September 28, 2001, for a maximum of 150 days; emergency expired February 24, 2002; amended at 26 Ill. Reg. 646, effective January 7, 2002; amended at 27 Ill. Reg. 17204, effective October 31, 2003; amended at 28 Ill. Reg. 14092, effective October 18, 2004; amended at 29 Ill. Reg. 6239, effective April 25, 2005; amended at 30 Ill. Reg. 2755, effective February 21, 2006; amended at 32 Ill. Reg. 16396, effective September 23, 2008; amended at 40 Ill. Reg. 14054, effective September 29, 2016; amended at 41 Ill. Reg. 11274, effective August 28, 2017; amended at 41 Ill. Reg. 15723, effective December 18, 2017; amended at 42 Ill. Reg. 2819, effective January 24, 2018; amended at 42 Ill.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

Reg. 18869, effective October 3, 2018; amended at 42 Ill. Reg. 24855, effective December 17, 2018; amended at 43 Ill. Reg. 7454, effective June 20, 2019.

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section 1501.206 Approval of Providers of Training for Trustee Leadership Training

Entities that offer professional development activities, such as training organizations, institutions, firms, professional associations, and colleges and universities, may apply to the State Board for approval to conduct leadership training activities for members of the board of trustees of an Illinois public community college district in each of the topics specified in Section 3-8.5 of the Act.

- a) Except as provided in subsections (b), each entity wishing to receive approval to offer the leadership training required under Section 3-8.5 of the Act shall submit an application on a form supplied by the State Board. Each entity shall provide:
 - 1) a description of the intended offerings in any of the required areas;
 - 2) the qualifications and experience of the entity and of each presenter to be assigned to provide the leadership training, which shall include evidence of a presenter's specific skills and knowledge in the area or areas in which he or she will be assigned;
 - 3) the mode of delivery of the professional development (e.g., in-person instruction, online learning);
 - 4) a sample course schedule or syllabi; and
 - 5) a schedule of fees the entity intends to charge for each mode of delivery of training.
- b) An entity that meets any of the following criteria will be pre-approved by the State Board to provide leadership training:
 - 1) The leadership training course or course provider is accredited by the Illinois Minimum Continuing Legal Education Board;

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

- 2) The leadership training provider is an Illinois Department of Financial and Professional Regulation registered public accountant continuing professional education sponsor;
 - 3) The leadership training course is provided by an Illinois public community college using the college's own qualified faculty or staff; or
 - 4) The leadership training course is provided by the Illinois Office of the Attorney General.
- c) All pre-approved entities, except the Illinois Office of the Attorney General, shall submit notification of intent to provide leadership training and verification of status as a pre-approved provider on forms provided by the State Board. The State Board may request reverification of pre-approved status at any time.
 - d) Applicants may be asked to clarify particular aspects of their materials.
 - e) The State Board shall consider each application for approval at its next regularly scheduled meeting. Applications submitted within 30 days prior to a regularly scheduled State Board meeting shall be considered at the next regularly scheduled meeting.
 - f) An entity shall be approved to offer leadership training if the entity's application presents evidence that:
 - 1) the leadership training that it sponsors or conducts will be developed and presented by persons with education and experience in the applicable areas to which they will be assigned; and
 - 2) the proposed training meets the requirements of Section 3-8.5 of the Act.
 - g) The State Board will post on its website the list of all approved providers. The website also will indicate that the Illinois Community College Trustees Association is authorized under Section 3-8.5(c) of the Act to provide leadership training.
 - h) Approval as a provider shall be valid for two years commencing on the date of initial approval or renewal. To request renewal of approval, a provider shall submit a renewal application on a form supplied by the State Board containing:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) a description of any significant changes in the material submitted as part of its approved application or a certification that no such changes have occurred;
 - 2) evidence that the material to be used in the renewal cycle conforms to current statute, rules and procedures of the State Board; and
 - 3) a listing of trainings provided during the last approval period.
- i) A provider's approval shall be renewed if the application conforms to the requirements of subsection (h), provided that the Executive Director has received no evidence of noncompliance with the requirements of this Section.
 - j) The State Board may evaluate an approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of leadership training, which the State Board may, at its discretion, monitor at any time. In the event an evaluation indicates that the requirements have not been met, the State Board may withdraw approval of the provider.

(Source: Added at 43 Ill. Reg. 7454, effective June 20, 2019)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Gas Revenue Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 470
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
470.101	Amendment
470.105	Amendment
470.110	Amendment
470.115	Amendment
470.120	Amendment
470.125	Amendment
470.130	Amendment
470.131	Amendment
470.135	Amendment
470.140	Amendment
470.145	Amendment
470.150	Amendment
470.155	Amendment
470.160	Amendment
470.165	Amendment
470.171	Repealed
470.172	Amendment
470.175	Amendment
470.180	Amendment
470.185	Amendment
470.190	Amendment
470.195	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-795
- 5) Effective Date of Rules: June 18, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 16168; August 24, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Only grammatical and technical changes were made. No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking removes obsolete language and makes technical changes.
- 16) Information and questions regarding these adopted rules shall be directed to:

Debra M. Boggess
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 470
GAS REVENUE TAX ACT

Section	
470.101	Definitions
470.105	Disposition of Tax Monies
470.110	Imposition of Tax
470.115	Effective Period of Act
470.120	Returns
470.125	Gross Amount of Transactions or Billings Basis of Tax
470.130	Certificate of Registration
470.131	Enterprise Zone Exemption
470.135	Books and Records
470.140	Claims to Recover Erroneously Paid Tax
470.145	Furnishing of Gas
470.150	Gas Sold to and by Building Operators
470.155	Transactions in Interstate Commerce
470.160	Sales of Gas to the United States Government
470.165	Services Furnished the <u>the</u> State of Illinois, its Departments, Agencies, Counties, Municipalities or Other Political Subdivisions
470.170	Services Furnished to Religious, Scientific, Educational and Charitable Institutions
470.171	Exclusion for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995 (<u>Repealed</u>)
470.172	Exclusion from Tax for Transactions Involving Customers Who Incur Gas Use Tax
470.175	Meter Readings
470.180	Services Furnished to Officers or Employees
470.185	Interdepartmental Transfers
470.190	Discounts, Penalties and Finance or Interest Charges
470.195	Sales of Appliances, Equipment or Services Subject to Other Tax Acts

AUTHORITY: Implementing the Gas Revenue Tax Act [35 ILCS 615] and authorized by Section 2505-795 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-795].

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Gas Revenue Tax Regulations, adopted July 24, 1945; codified at 8 Ill. Reg. 8608; amended at 11 Ill. Reg. 18751, effective October 30, 1987; amended at 21 Ill. Reg. 12243, effective August 26, 1997; amended at 28 Ill. Reg. 16334, effective November 30, 2004; amended at 43 Ill. Reg. 7463, effective June 18, 2019.

Section 470.101 Definitions

When used in ~~this Part~~ these regulations, the following words and phrases shall have the following meanings ~~hereinafter defined:~~^{a)}

"Act" means the Gas Revenue Tax Act [35 ILCS 615] ~~taxing statute of the State of Illinois referred to in the title hereof.~~^{b)}

"Department" means the Illinois Department of Revenue ~~of the State of Illinois.~~^{c)}

"Director" means the Director of Revenue ~~for the Department of Revenue of the State of Illinois.~~^{d)}

~~The phrase "Gross receipts" means the consideration received for gas distributed, supplied, furnished or sold to persons for use or consumption and not for resale, and for all services (including the transportation or storage of gas for an end-user) rendered in connection therewith, including receipts from minimum service charges, and shall include cash, services and property of every kind or nature, and shall be determined without any deduction on account of cost of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expense whatsoever. [35 ILCS 615/1] However, any charges added to customers' bills pursuant to the provisions of paragraph (b) of Section 36 of "An Act concerning public utilities", (Ill. Rev. Stat. 1983, ch. 111½ par. 36(b)) approved June 29, 1921, as amended, or any charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission because of the tax that is imposed by the Act on any such taxpayer, shall be excluded in determining such gross receipts. Said paragraph (b) of Section 36 of "An Act concerning public utilities" permits an amount equal to the tax rate in excess of 3% to be billed by public utilities to their customers. In case credit is extended, the amount of the credit thereof shall be included only when payments are received. ^{e)}~~

"Gross receipts" shall not include receipts from: ~~4)~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

any minimum or other charge for gas or gas service ~~when~~^{where} the customer has taken no therms of gas; 2)

any charge for a dishonored check; 3)

any finance or credit charge, penalty or charge for delayed payment, or discount for prompt payment; 4)

any charge for reconnection of service or for replacement or relocation of facilities; 5)

any advance or contribution in aid of construction; 6)

repair, inspection or servicing of equipment located on customer premises; 7)

leasing or rental of equipment, the leasing or rental of which is not necessary to distributing, furnishing, supplying, selling, transporting or storing gas; 8)

any sale to a customer if the taxpayer is prohibited by ~~federal~~^{Federal} or State constitution, treaty, convention, statute or court decision from recovering the related tax liability from ~~the~~^{such} customer; and 9)

any charges added to customers' bills pursuant to the provisions of Section 9-221 or Section 9-222 of the Public Utilities Act, ~~as amended~~, or any charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those sections~~such provisions of such Act~~. ~~In case credit is extended, the amount thereof shall be included only as and when payments are received.~~
10)

"Gross ~~receipts~~^{Receipts}" shall not include consideration received from business enterprises certified under Section 9-222.1 of the Public Utilities Act, ~~as amended~~, during the period of time specified by the Department of Commerce and Economic Opportunity~~Department of Commerce and Community Affairs~~. [35 ILCS 615/1](Ill. Rev. Stat. 1985, ch. 120, par. 467.16.) e)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure ~~or~~, corporation, or a receiver, trustee, conservator or other representative appointed by order of any court, or any city, town, county or other political subdivision of this State. Corporations organized for mutual benefit of stockholders and corporations not for profit constitute "persons" within the Act. ~~g~~

"Taxpayer" means a person engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption and not for resale. "Taxpayer" ~~for purposes of this Part, these regulations~~ includes a municipal corporation that engages in the business of distributing, supplying, furnishing or selling gas for use or consumption and not for resale. ~~g~~

~~The phrase "Serviceservice~~ within the Act" ~~or "services within the Act"~~ means those transactions engaged in, or commodities or services furnished by, a taxpayer with respect to which ~~that~~ taxpayer is liable for a tax under ~~the this~~ Act.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.105 Disposition of Tax Monies

All monies received by the Department under the ~~provisions of this~~ Act are required to be paid into the General Revenue Fund in the State Treasury.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.110 Imposition of Tax

- a) There is imposed upon persons engaged in the business of distributing, supplying, furnishing or selling gas to persons, for use or consumption and not for resale, a tax at the rate of 5% of the gross receipts from any such business, *2.4 cents per therm of all gas ~~that~~ which is so distributed, supplied, furnished or sold or transported to or for each customer in the course of such business, or 5% of the gross receipts received from each customer from ~~that~~ such business, whichever is the lower rate as applied to each customer for that customer's billing period, provided that any change in rate imposed by ~~the this~~ Amendatory Act of 1985 ~~applies shall become effective~~ only with bills having a meter reading date on or after January 1, 1986. However, ~~these~~ such taxes are not imposed with respect to*

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

any business in interstate commerce, or otherwise to the extent to which ~~that such~~ business may not, under the constitution and statutes of the United States, be made the subject of taxation by this State. Nothing in ~~the~~~~this~~ Amendatory Act of 1985 shall impose a tax with respect to any transaction with respect to which no tax was imposed immediately preceding September 14, 1985~~the effective date of this Amendatory Act of 1985.~~ [35 ILCS 615/2] (Ill. Rev. Stat. 1985, ch. 120, par. 467.17.)

- b) This tax is an occupation tax. It is imposed upon taxpayers, as defined in the Act, and is not imposed upon persons for whom services within the Act are rendered by ~~those such~~ taxpayers, nor is it imposed upon the act of rendering ~~those such~~ services. The amount of tax payable by a taxpayer is to be measured by, or to be computed upon a basis of, the gross receipts of the taxpayer from the business of distributing, supplying, furnishing or selling gas for use or consumption.
- e) ~~For a definition of "Gross receipts", see Section 470.101 of this Part.~~

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.115 Effective Period of Act

The Gas Revenue Tax Act became effective July 24, 1945. ~~From March 11, 1937, through July 23, 1945, persons who were engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption were subject to The Public Utilities Revenue Act (Ill. Rev. Stat. 1983, ch. 120, pars. 468 et seq.).~~

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.120 Returns

- a) Except as provided ~~in this Section hereinafter in this regulation~~, every taxpayer upon whom the tax is imposed must file a return with the Department by the 15th of each month covering the preceding month. Each return shall set forth the information required ~~by this Section to be given therein.~~
- b) *If the taxpayer's average monthly tax liability to the Department does not exceed \$100.00, the Department may authorize his ~~or her~~ returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of ~~that such~~ year; ~~with~~ the return for April, May and June*

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

of a given year being due by July 31 of ~~that such~~-year; ~~with~~ the return for July, August and September of a given year being due by October 31 of ~~that such~~-year, and ~~with~~ the return for October, November and December of a given year being due by January 31 of the following year.

- c) *If the taxpayer's average monthly tax liability to the Department does not exceed \$20.00, the Department may authorize his ~~or her return~~ ~~returns~~ to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.*
- d) *~~Quarter Such~~ ~~quarter~~ annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.*
- e) *Notwithstanding any other provision in ~~the this~~ Act concerning the time within which a taxpayer may file his ~~or her~~ return, in the case of any taxpayer who ceases to engage in a kind of business ~~that which~~ makes ~~the taxpayer him~~ responsible for filing returns under ~~the this~~ Act, ~~the such~~ taxpayer shall file a final return under ~~the this~~ Act with the Department not more than one month after discontinuing ~~that kind of such~~ business. [35 ILCS 615/3]*
- f) The return is to be made on forms prescribed and furnished by the Department and must be signed by the taxpayer or his ~~or her~~ duly authorized agent for this purpose. It is the duty of each taxpayer to obtain return forms, and failure to obtain ~~those such~~ forms will not relieve a taxpayer from liability for any penalties attaching to failure to make any return.
- g) At the same time that the returns required by the Act are filed with the Department, the taxpayer shall pay the tax computed upon gross receipts derived from engaging in the business of distributing, supplying, furnishing or selling gas for use or consumption.
- h) *~~When Where~~ any taxpayer furnishes services within the Act at more than one location in Illinois, he ~~or she~~ shall file a consolidated return covering business operations at all ~~those such~~ locations, and ~~the such~~ taxpayer will not be required, nor permitted, to file a separate return for and with respect to each ~~such~~ location. A taxpayer shall be required to file ~~any~~ such supplementary schedules ~~as~~ the Department may require.*

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section 470.125 Gross Amount of Transactions or Billings Basis of Tax

- a) The Department will grant permission to a taxpayer to file returns required by the Act and to pay a tax imposed by the Act ~~therein~~ on the basis of gross amount of transactions; or gross billings of services covered by ~~within~~ the Act, when ~~where~~ the taxpayer keeps his or her books and records in such a manner that they do as not conveniently or readily ~~to~~ reflect the taxpayer's ~~his~~ gross receipts from services ~~within the Act~~, but keeps his or her books and records in a manner that which does readily and conveniently reflect the gross amount billed for the covered services ~~within the Act~~.
- b) When ~~Where~~ a taxpayer desires to file returns and pay taxes on the basis of the gross amount of services ~~within the Act~~ billed, he or she shall file a written request with the Department for permission to report on this basis on forms prepared by the Department and shall obligate himself or herself to pay any additional amounts of tax that ~~which~~ an audit of the books and records of the ~~such~~ taxpayer may disclose to be owing and due upon this basis. Bad debts or uncollectible accounts actually written off the books of a taxpayer will be allowed as a deduction from gross billings in the return filed for the month in which they are written off, when ~~where~~ a tax has previously been paid with respect to the amounts of the debt ~~thereof~~.
- c) When ~~Where~~ permission to make returns and pay tax on a basis of gross amount of services billed has been granted, no change to a gross receipts basis will be allowed except at the end of a tax year ending June 30, and then only upon written authorization of the Department. The Department reserves the right, after ~~on~~ notice, to require a taxpayer to make a return and pay tax on a gross receipts basis whenever it may deem that ~~such~~ action necessary or expedient to protect the State against loss.
- d) *The return shall state: The total number of therms for which payment was received by him from customers during the preceding calendar month and upon the basis of which the tax is imposed; the gross receipts received by him from customers during the preceding calendar month from such business, including budget plan and other customer-owned amounts applied during such month in payment of charges includable in gross receipts, and upon the basis of which the tax is imposed.*

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- e) *In making ~~the such~~-return, the taxpayer may use any reasonable method to derive reportable "Therms" and "Gross Receipts" from his or her billing and payment records.*
- f) *In making ~~the such~~-return, the taxpayer shall determine the value of any reportable consideration other than money received by him or her and ~~he~~ shall include that such value in the his-return. [35 ILCS 615/3]*

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.130 Certificate of Registration

- a) An application for a Certificate of Registration shall be filed with the Department by every person subject to ~~the The~~ Gas Revenue Tax Act. ~~The, whereupon the~~ Department will assign an account number to each ~~such~~-taxpayer and will issue a Certificate of Registration to ~~the such~~-taxpayer. ~~The Such~~-certificate is required to be conspicuously displayed at the taxpayer's principal place of business. For each additional location at which the taxpayer does business, the Department will furnish a Sub-Certificate of Registration that bears ~~which will bear~~ the same account number as that appearing on the taxpayer's master Certificate of Registration. ~~The Sub-Certificate, -and which~~ must be conspicuously displayed at the place of business for which ~~it such Sub-Certificate of Registration~~ is issued.
- b) If any Certificate or Sub-Certificate is destroyed or defaced as a result of natural wear and tear, upon certification of this fact on a proper form to the Department, a duplicate copy or copies ~~thereof~~ will be issued to the taxpayer.
- c) Certificates of Registration are non-transferable and must be returned to the Department in case the taxpayer's place of business is sold or discontinued. ~~When~~ Where the taxpayer's place of business is moved to another location, the Certificate must be removed and returned to the Department and the Department shall be advised of the such change in location.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.131 Enterprise Zone Exemption

- a) *The pass-on of municipal and State utility taxes added to a business' utility bills as additional charges shall be exempt for a business enterprise located within an*

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

area designated by a county or municipality as an enterprise zone pursuant to the Illinois Enterprise Zone Act [20 ILCS 655](~~Ill. Rev. Stat. 1985, ch. 67½, par. 601 et seq.~~). The business enterprise must meet the following criteria [20 ILCS 5/9-222.1]:

- 1) *it either makes investments ~~that~~^{which} cause the creation of a minimum of 200 full-time equivalent jobs in Illinois or makes investments ~~that~~^{which} cause the retention of a minimum of 1,000 full-time jobs in Illinois;*
 - 2) *it is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act;* and
 - 3) *is certified by the Department of Commerce and Economic Opportunity~~Community Affairs~~ as complying with the requirements specified in subsections (a)(1) and (2), ~~above~~. [220 ILCS 5/9-222.1(3)]*
- b) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Economic Opportunity~~Community Affairs~~ on forms provided by them. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of the exemption. (See 14 Ill. Adm. Code 520.1000 ~~et seq.~~)

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.135 Books and Records

- a) A taxpayer must make and maintain complete records covering receipts from all sources, including receipts from transactions not included in the measure of the tax. A taxpayer's records are required clearly to indicate the complete information required by the returns. In general, ~~those such~~ records and accounts shall be kept in the American language and upon such basis as will facilitate verification of the entries on the returns required by the Act. Books and records shall include copies of original invoices or bills issued to customers covering services within the Act.
- b) The Act requires that all ~~the~~ ~~this~~ ~~Act~~ ~~to be kept shall be kept in the American language and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees. Books and records reflecting gross receipts received during any period with respect to which the~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Department is authorized to establish liability as provided in Sections 4 and 5 of the Act (approximately 3½ years) shall be preserved until the expiration of ~~that such~~ period unless the Department, in writing, authorized their destruction or disposal at an earlier date. [35 ILCS 615/7](~~Parentetical phrase supplied.~~)

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.140 Claims to Recover Erroneously Paid Tax

- a) ~~When Where~~ a taxpayer has paid to the Department any tax or penalty or interest not due under the provisions of the Act, either as a result of a mistake of fact or an error of law, ~~the such~~ taxpayer may file a claim for credit on the form provided by the Department for that purpose. Upon receipt of ~~the such~~ claim, the Department will examine the ~~claim. Upon same; and upon~~ approval, the Department will issue a credit memorandum in the amount of the overpayment. ~~The Such~~ credit memorandum may be applied by the taxpayer to discharge any liability for tax or penalty or interest due or to become due from him ~~or her~~ under ~~the The Gas Revenue Tax~~ Act.
- b) In no case may a taxpayer deduct, from the amount of tax to be remitted as shown by a return made to the Department, the amount of any overpayment of tax made ~~by him~~ during any prior period of time unless ~~that such~~ deduction is supported by a duly issued credit memorandum.
- c) Credit memoranda issued to any taxpayer on account of any overpayment of taxes or penalties or interest under any other law shall not be used to discharge any liability for tax or penalty or interest under ~~the The Gas Revenue Tax~~ Act.
- d) A credit memorandum issued under ~~the The Gas Revenue Tax~~ Act may (subject to reasonable rules of the Department) be assigned by the person to whom ~~the such~~ credit memorandum is issued to any other taxpayer under ~~the The Gas Revenue Tax~~ Act.
- e) In case the Department determines that the claimant is entitled to a refund, ~~that such~~ refund shall be made only from ~~the such~~ appropriation ~~as may be~~ available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by ~~that such~~ appropriation to elect to receive a cash refund, the Department will make ~~those such~~ refunds only in hardship cases (i.e., in cases in which the claimant cannot

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

use a credit memorandum). The two most likely situations ~~in which where~~ this would be the case are ~~when the situation in which~~ the claimant has discontinued business and ~~when the situation in which~~ the claimant will have a small volume of liability to the Department in the foreseeable future, but receives ~~such~~ a large credit memorandum ~~that which~~ it ~~therefore~~ might take the claimant a long time to liquidate ~~it~~ by using it to pay current taxes. In these instances, the claimant probably would have to sell the credit memorandum at a loss in order to realize anything from it within any reasonable period of time.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.145 Furnishing of Gas

- a) The tax applies with respect to the consideration received by a taxpayer for gas distributed, supplied, furnished or sold to any person in a taxable transaction for use or consumption and not for resale. All such receipts are within the Act. There is no limitation in the application of the tax to any particular use or consumption of these services. However, for information concerning exemptions for transactions with certain kinds of customers, see Section 470.160 ~~of this Part~~.
- b) Gas furnished to other taxpayers engaged in the business of distributing, supplying, furnishing or selling to their customers the gas so received is for resale and is not within the Act.
- c) The furnishing of gas includes gas furnished for use or consumption and not for resale, whether furnished at a meter rate dependent upon the quantity furnished, at flat rates per unit period of time, for a flat amount per outlet, or upon any other basis independent of the quantity of gas supplied.
- d) Taxpayers are required to include in gross receipts by which they compute tax all consideration received for the furnishing of gas for use or consumption and not for resale, including flat fees, payments on contracts, minimum charges and the value of any other consideration for gas, including consideration in the form of property or services.
- e) ~~Taxpayers Except for amounts that are added to billings to reimburse taxpayers for the tax rate in excess of 3% as authorized by paragraph (b) of Section 36 of "An Act concerning public utilities", and except for charges that are added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

~~Commerce Commission because of the tax that is imposed by the Act, taxpayers~~ are not required to include in taxable gross receipts any amounts collected from others to reimburse the taxpayer for the tax imposed by ~~the~~ The Gas Revenue Tax Act or to reimburse the taxpayer for tax imposed by any municipality under Section 8-11-2 of the Illinois Municipal Code ~~[65 ILCS 5/8-11-2]~~ (Ill. Rev. Stat. 1983, ch. 24, par. 8-11-2) on the business of distributing, supplying, furnishing or selling gas for use or consumption, including all charges ~~which~~ the taxpayer is authorized by Section 9-222 of the Public Utilities Act [220 ILCS 5] ~~paragraph(a) of Section 36 of "An Act concerning public utilities"~~ to collect from customers in this connection. In order to exclude those amounts from its gross receipts, the ~~The~~ taxpayer must state ~~may take this tax collected deduction from gross receipts only if the taxpayer states~~ separately on its bill for gas to the purchaser how much tax, as permitted by law, is being passed on to the purchaser in addition to the charge for gas, or if the taxpayer periodically sends the purchaser a rate chart, showing, separately from the rate for gas, how much tax, as permitted by law, will be charged by the taxpayer to the purchaser on each bracket or amount of cubic feet or therms of gas.

- f) ~~When~~ Where a taxpayer furnishes gas ~~which~~ he or she has acquired from other taxpayers for use or consumption and not for resale, and he or she bills the consumer for ~~that~~ such gas, he or she must include in gross receipts by which ~~the~~ tax is computed the total receipts from the sale of ~~the~~ such gas and not merely the amount of commissions ~~he or she~~ which he may earn for the distribution of the ~~gas~~ same. The fact that a taxpayer has billed a consumer for gas distributed, supplied, furnished or sold to ~~that~~ such consumer is prima facie evidence that ~~the~~ such taxpayer distributed, supplied, furnished or sold services within the Act and is liable for tax with respect ~~to those services~~ thereto.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.150 Gas Sold to and by Building Operators

- a) Persons owning, operating or leasing buildings, who purchase gas services and rebill ~~them as gas services the same as such~~ to tenants, make the final sale or distribution of ~~the~~ such services and become liable for tax measured by their gross receipts from the distributing, supplying, furnishing or selling of the services in question. ~~These~~ Such persons are required, under the terms of the Act, to file returns and pay tax in the same manner as any other taxpayer.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- b) ~~These Such~~ persons shall show receipts from ~~the such~~ services separately ~~in upon~~ their books and records.
- c) In order to enable persons selling gas to owners, operators or lessees of buildings to report accurately to the Department the amount of gas services sold for resale and the amount sold for use or consumption, ~~the such~~ owners, operators or lessees ~~of buildings~~ should, at the end of each of their billing periods, report to the supplier the amount of gas (cubic feet or therms, as the case may be) consumed by the owner or building operator and not resold ~~by him as such~~ to tenants. The owners, operators or lessees ~~of buildings~~ need not report to the Department the amount ~~so~~ reported to the supplier.
- d) The sale of ~~these such~~ services to persons owning, operating or leasing buildings constitutes the sale of services for the purpose of resale, if ~~those such~~ persons bill ~~them as gas services the same as such~~ to tenants. ~~The , and the~~ gross receipts from this particular type of sale may be deducted from receipts by which the seller for resale measures his ~~or her~~ tax under the Act.
- e) Sales by taxpayers to hotels and like businesses for use or consumption are taxable sales within the Act.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.155 Transactions in Interstate Commerce

- a) The tax is not imposed upon any taxpayer with respect to any transaction in interstate commerce to the extent that ~~the such~~ transactions may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.
- b) Insofar as the tax is imposed upon persons distributing, supplying, furnishing or selling gas for use or consumption and not for resale, the following general principles will apply in determining whether ~~or not~~ transactions are in interstate commerce:
- 1) ~~When Where~~ a taxpayer delivers gas through continuous mains, lines or pipes from a point in Illinois to a point outside of Illinois, ~~those such~~ transactions are ~~in~~ interstate commerce, and the taxpayer is not liable for tax with respect to gross receipts ~~from those transactionstherefrom~~.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~When~~ ~~Where~~ a taxpayer not engaged in business in this State delivers gas through continuous mains, lines or pipes from a point outside of Illinois to a point within Illinois, the transaction is ~~in~~ interstate commerce, and the taxpayer is not liable for tax with respect to ~~his~~ receipts ~~from that transaction therefrom~~. However, if ~~the such~~ company is engaged in the business in Illinois of distributing, supplying, furnishing or selling gas brought within this State for use or consumption and not for resale, ~~the such~~ transactions do not constitute interstate commerce, and the tax will apply.
- 3) ~~When~~ ~~Where~~ a taxpayer delivers gas through continuous mains, lines or pipes from one point in Illinois to a second point within Illinois, the transaction is not ~~in~~ interstate commerce, and the taxpayer will be liable for tax with respect to ~~his~~ receipts ~~from that transaction therefrom~~. This ~~subsection (b)(3) rule~~ applies irrespective of the fact that a portion of the continuous mains, lines or pipes of the taxpayer through which gas passes are situated outside Illinois.
- c) ~~When~~ ~~Where~~ a taxpayer distributes, supplies, furnishes or sells gas to a single customer under a contract calling for the delivery of gas partly within Illinois and partly outside of Illinois, the taxpayer is liable for tax with respect to that portion of gross receipts from the contract accruing from service furnished within this State.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.160 Sales of Gas to the United States Government

- a) Taxpayers are not liable for tax with respect to their receipts from gas distributed, supplied, furnished or sold to the United States Government, including its unincorporated departments, agencies or instrumentalities. This would include sales to the United States Defense Department, the United States Postal Service~~Post Office Department~~ and other unincorporated departments of the Federal Government; the Interstate Commerce Commission, the Federal Communications Commission, the Department of Energy, the Nuclear Regulatory Commission~~Atomic Energy Commission~~ and other unincorporated commissions of the Federal Government; the National Transportation Safety Board, the Federal Aviation Administration, the Department of Transportation~~Civil Aeronautics~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

~~Board~~, the Federal Reserve Board and other unincorporated boards of the Federal Government, ~~etc.~~

- b) Taxpayers are, however, liable for tax with respect to their gross receipts from gas distributed, supplied, furnished or sold to any agency or instrumentality of the United States Government, which agency or instrumentality is a corporate entity. This is true even though ~~the such~~ gas may be used in the performance of governmental functions. For example, receipts from gas distributed, supplied, furnished or sold to Federal Reserve or National Banks, the Commodity Credit Corporation, the Federal Deposit Insurance Corporation, the Federal Crop Insurance Corporation or other such incorporated ~~federal Federal~~ agencies and instrumentalities engaged in the performance of governmental functions, are subject to tax.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.165 Services Furnished ~~the The~~ State of Illinois, its Departments, Agencies, Counties, Municipalities or Other Political Subdivisions

Taxpayers are liable for tax with respect to gross receipts from the furnishing of gas to the State of Illinois, its Departments, agencies, counties, municipalities, school districts, or other political subdivisions for use or consumption and not for resale.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.171 Exclusion for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995 (Repealed)

- a) ~~Charges billed on January 1, 1996 through September 30, 2003 for gas or gas services to a customer who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility, are not subject to the tax imposed by the Gas Revenue Tax Act [35 ILCS 615]. The exemption provided in this Section shall no longer be available beginning on and after October 1, 2003.~~
- b) ~~For the purposes of this exclusion, the following terms have the following meanings:~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

~~"Charges solely related to the local distribution of gas by a public utility" means all charges subject to the Gas Revenue Tax Act, other than charges for gas and those charges that are reflected in the purchased gas adjustment clauses described in Section 9-220 of the Public Utilities Act [220 ILCS 5/9-220].~~

~~"Customer" means a person or legal entity identified on a taxpayer's books and records as being responsible for the payment of charges for gas or gas services provided by that taxpayer.~~

~~"Direct purchase of gas or gas services originating from an out-of-State source" means the direct purchase by a customer located in Illinois of gas or gas services from a source, such as a well head, located outside of this State.~~

~~"Direct purchase of gas or gas services originating from an out-of-State supplier" means the direct purchase by a customer located in Illinois of gas or gas services from a supplier with an out-of-State physical presence.~~

~~"Public utility" means every corporation, company, limited liability company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever that owns, controls, operates or manages, within this State, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in the conveyance of gas by pipeline.~~

~~"Supplier" means a person or entity that sells gas and has taken title to, or will take title to, the gas that is sold.~~

~~"Transportation account" means an account maintained by a public utility for the transportation of gas for a customer who has purchased the gas from a source other than the public utility.~~

- e) ~~It is incumbent upon a taxpayer to establish that the exclusion described in this Section is available. Except as provided in subsection (d), if a taxpayer maintains in its books and records the certification described in subsection (e), that certification will be prima facie proof that the exclusion is available to the~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

~~taxpayer in reference to the customer listed on the certification. The obtaining of such a certification does not preclude the Department from going behind it and disregarding it if, in examining such customer's records, the Department finds that the certification was not true as to some fact or facts which show that the exclusion was not available or the customer refuses or is unable to provide proper documentation evidencing that the exclusion was available.~~

- d) ~~If an Illinois public utility (as defined in Section 3-105 of the Public Utilities Act) establishes through its books and records that a customer maintained a transportation account with that public utility on or before March 1, 1995, that documentation will be sufficient evidence that the exclusion described in this Section is available to that public utility in reference to that customer.~~
- e) ~~The certification described in subsection (c) must be a written certification signed by the customer stating:~~
 - 1) ~~the customer's name and address;~~
 - 2) ~~that the customer is purchasing the gas or gas services for its own use and that the gas or gas services will not be transferred to another entity;~~
 - 3) ~~that the customer had acquired contractual rights for the direct purchase of gas or gas services originating from an out of State supplier or source on or before March 1, 1995;~~
 - 4) ~~the name and address of the out of State supplier or source; and~~
 - 5) ~~the name and address of the public utility in Illinois with whom the customer had a transportation account for the transportation of such gas or gas services.~~
- f) ~~The exclusion is available only with respect to the customer that acquired contractual rights for the direct purchase of gas or gas services originating from an out of State supplier or source on or before March 1, 1995. A qualifying customer must be the same legal entity which acquired the qualifying contractual rights. Related entities, such as subsidiaries, affiliates, or holding companies, may not claim the exclusion based upon the qualifying contract of a separate legal entity. However, legal entities that have merely changed form, such as a partnership electing to become a corporation, that retain the exact same ownership~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

~~are still considered the same legal entity for purposes of this exclusion. A legal entity that had acquired a qualifying contract and has merged with another legal entity or entities will still be considered the same legal entity if the surviving entity is the entity that had acquired the qualifying contractual rights.~~

- g) ~~If a customer that acquired qualifying contractual rights on or before March 1, 1995 has multiple gas or gas service accounts, then the exclusion is available to all of that customer's gas and gas service accounts.~~
- h) ~~If the exclusion is claimed by a taxpayer, then that taxpayer will be liable for tax, penalty, and interest if it is later determined that the exclusion was not available. For example, if a taxpayer claims the exclusion based on an invalid certification from a customer, then the Department will recover the tax and any applicable penalty and interest from the taxpayer. The Department is unable to assess a customer who has given an invalid certification because customers do not incur Gas Revenue Tax liability. Consequently, when the exclusion has been improperly claimed and is disallowed, the Department will assess the taxpayer and the taxpayer is authorized to make an additional charge to the customer under Section 9-222 of the Public Utilities Act [220 ILCS 5/9-222].~~

(Source: Repealed at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.172 Exclusion from Tax for Transactions Involving Customers Who Incur Gas Use Tax

- a) Transactions ~~Subject~~ subject to Gas Use Tax. Beginning with charges billed on and after October 1, 2003, no tax is imposed under this Part on transactions with customers who incur a tax liability under the Gas Use Tax Law [35 ILCS 173] on those transactions.

EXAMPLE: A transaction with a customer for the transportation of ~~out-of-state~~ out-of-State gas is not subject to tax under ~~the Gas Revenue Tax~~ this Act, including, but not limited to, any transportation charges and any related service charges.

- b) Transactions ~~Exempt~~ exempt from Gas Use Tax. Transactions with customers that are exempt from tax under the Gas Use Tax Law or otherwise incur no tax liability under that ~~statute~~ Law remain subject to tax under this Part.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

EXAMPLE: A customer is exempt from Gas Use Tax under one of the exemptions provided under Section 5-50 of the Gas Use Tax Law and makes an ~~out-of-state~~ ~~out-of-State~~ purchase of gas. The customer provides its delivering supplier in Illinois a copy of an exemption certificate as required under 86 Ill. Adm. Code 471.125. The sale of the gas is not subject to Gas Revenue Tax liability; however, the transaction for the transportation of the gas and any related service charges remain subject to tax under this Part at the rate of 2.4 cents per therm or 5% of the gross receipts (whichever is less) for the customer's billing period.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.175 Meter Readings

- a) ~~When Where~~ a taxpayer distributes, supplies, furnishes or sells gas for use or consumption and not for resale through meters, the charge for the services furnished being dependent upon the quantities metered, and ~~when the where such~~ taxpayer has followed the custom and usage prior to the effective date of the ~~Act~~ ~~act~~ of making meter readings with respect to any particular consumer each quarter, each half-year, every four months or at the end of any period of time other than each calendar month, ~~the such~~ taxpayer will be permitted to follow its custom and usage with regard to meter readings and will not be required to make meter readings at the end of each calendar month.
- b) ~~When Where~~ a taxpayer files returns and pays tax upon a basis of the gross amount of ~~his~~ billings or transactions, he ~~or she~~ should include in the measure of ~~the his~~ tax the total amount of service ~~under within~~ the Act billed within the period for which the return is filed, irrespective of the dates of meter readings. ~~When Where~~ no services ~~under within~~ the Act have been billed within any return period, this fact should be so indicated upon the return.
- c) ~~When Where~~ a taxpayer files returns and pays tax upon a basis of gross receipts, he ~~or she~~ should include in ~~the such~~ gross receipts the total amount of receipts received during the period for which the taxpayer's return is filed with respect to services furnished, irrespective of the time that ~~the such~~ services may have been furnished or meter readings made.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section 470.180 Services Furnished to Officers or Employees

A taxpayer is liable for tax with respect to gross receipts from services ~~under within~~ the Act furnished to his ~~or her~~ officers or employees, whether at regular rates or at reduced rates. This ~~Section rule~~ applies equally when the consideration for services ~~under within~~ the Act so furnished takes the form of a deduction from or adjustment in wages or salaries payable to officers or employees, or when it takes the form of services rendered to the taxpayer by employees for which no specific compensation is paid.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.185 Interdepartmental Transfers

- a) The furnishing of gas between the various departments of a taxpayer does not result in any liability for tax under the Act, notwithstanding that one department of the taxpayer receiving ~~gas such~~ services is, for accounting purposes, charged with the value of the services by another department of the same taxpayer rendering ~~those such~~ services.
- b) However, ~~when where~~ services ~~under within~~ the Act are rendered to a separate corporation or legal entity for use or consumption and not for resale, the taxpayer rendering the service is liable for tax with respect to his ~~or her~~ gross receipts from ~~the such~~ transactions.
- c) It is immaterial that services ~~under within~~ the Act so furnished by a taxpayer are furnished to his ~~or her~~ wholly-owned subsidiary, or that the two corporations may be wholly or partially under a common ownership or management. The Department will not disregard separate corporate entities in applying the Act.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.190 Discounts, Penalties and Finance or Interest Charges

- a) ~~When Where~~ taxpayers allow discounts from gross charges for services ~~under within~~ the Act because of prompt payment of accounts, the amounts of ~~the such~~ discounts are not included within gross receipts by which tax is computed.
- b) ~~When Where~~ taxpayers add and collect penalties or interest upon ~~delinquent delinquent~~ accounts or upon accounts involving installment payments, the amounts

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

of ~~the such~~ penalties or interest ~~so added and paid~~ need not be included in gross receipts, provided that the amounts ~~thereof~~ are separately itemized and billed to the persons to whom the services are furnished, and separately recorded ~~in upon~~ the books and records of the taxpayer. If the amounts of ~~the such~~ penalty, interest or finance charges are not separately billed and itemized to the person to whom the services are furnished and separately recorded ~~in upon~~ the books and records of the taxpayer, the total amount ~~thereof~~ must be included in gross receipts by which the tax is computed.

- c) ~~When Where~~ a "gross amount" and "net amount" are billed to a customer on the same invoice for services furnished, the "net amount" representing the charge if paid within a stated period of time, the "gross amount" being the charge payable after ~~the such~~ stated time has elapsed, the difference between the two amounts is deemed to be a penalty or interest charge separately billed.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

Section 470.195 Sales of Appliances, Equipment or Services Subject to Other Tax Acts

- a) Taxpayers should not include in receipts by which they compute their tax liability under the Act any receipts from the sale of tangible personal property for use or consumption with respect to which a tax is imposed under the Retailers' Occupation Tax Act ~~[35 ILCS 120](Ill. Rev. Stat. 1983, ch. 120, pars. 440 et seq.)~~. Taxpayers engaged in the sale of stoves, refrigerators, appliances, equipment or other tangible personal property to users or consumers are required to make a separate return under the Retailers' Occupation Tax Act on forms provided for that purpose and to pay the tax as prescribed by that Act. ~~These Such~~ transactions should not be included in any returns made under ~~the The~~ Gas Revenue Tax Act.
- b) Receipts that are subject to ~~the The~~ Public Utilities Revenue Act ~~[220 ILCS 620]~~ and receipts that are subject to ~~the The~~ Messages Tax Act ~~[35 ILCS 610](Ill. Rev. Stat. 1983, ch. 120, pars. 467.1 et seq.)~~ will be reported in separate returns filed under those respective Acts and should not be included in returns filed under ~~the The~~ Gas Revenue Tax Act.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 18, 2019 through June 24, 2019. These rulemakings are scheduled for the July 16, 2019 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>
8/1/19	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	3/15/19 43 Ill. Reg. 3385	7/16/19
8/2/19	<u>State Fire Marshal</u> , Fire Prevention and Safety (41 Ill. Adm. Code 100)	1/4/19 43 Ill. Reg. 125	7/16/19
8/3/19	<u>Environmental Protection Agency</u> , Priorities of Projects in the Public Water Supply Loan Program (Repealer) (35 Ill. Adm. Code 663)	12/28/18 42 Ill. Reg. 24555	7/16/19
8/3/19	<u>Environmental Protection Agency</u> , Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works (Repealer) (35 Ill. Adm. Code 366)	12/28/18 42 Ill. Reg. 24449	7/16/19

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the *Illinois Register*.
2. Name of Contributor: Andrew Rathsack, an affiliated person of Andrews Engineering, Inc.
3. Date of Violation: October 3, 2014; October 17, 2014; November 3, 2014; and November 4, 2014
4. Description of Violation: Andrew Rathsack, an affiliated person of the business entity Andrews Engineering, Inc., made contributions of \$100 on October 3, 2014; \$50 on October 17, 2014; \$25 on November 3, 2014 and \$30 on November 4, 2014 to "Citizens for Rauner, Inc.", a campaign committee established to support the election of Bruce Rauner to public office. At the time of the contributions, Bruce Rauner was a declared candidate for the office of governor, and Andrews Engineering, Inc. had in place active contracts with the Chief Procurement Office for General Services, the total annual combined value of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for General Services has notified Andrews Engineering, Inc. of the apparent violations, reviewed responsive material provided by Andrews Engineering, Inc., and have considered the value, status, and necessity of the contracts. In addition, the Chief Procurement Officer has taken into consideration the recognition by Andrew Rathsack of the violation and his understanding of the necessity to avoid such situations in the future. We find that voiding affected contracts, bids or proposals would not be in the best interest of the State.

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF PUBLIC INFORMATION

As required by Section 50-37(e) of the Procurement Code, Citizens for Rauner, Inc. Committee is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2019 REGULATORY AGENDA

a) Part (Heading and Code Citations): Pay Plan 80 Ill. Adm. Code 3101) Rulemaking: Proposed and Peremptory AmendmentsA) Description: Projected amendments to the Department of Central Management Services' Pay Plan include revisions to the following sections:

In Section 310.47, the revisions are to in-hiring rates based on bargaining unit agreements, trainee programs or the Director of Central Management Services decision.

In Section 310.Appendix A, the revisions are to negotiated rate tables based on bargaining unit agreements that are signed before mid-December 2019.

In Section 310.410, the revisions are to include MS-salary range assignments to newly established classifications or to existing classifications when bargaining unit negotiations are complete or when the Illinois Labor Relations Board issues a decision regarding bargaining unit representation.

In Section 310.Appendix D, the effective date and the minimum salary for the MS-01 salary range are to be changed to reflect the minimum wage effective January 1, 2020 in PA 101-1 effective February 19, 2019. Other sections in the Pay Plan are to be changed as needed based on forthcoming Public Acts.

In various sections, the revisions are to include provisions contained within bargaining unit agreements, when the Illinois Labor Relations Board issues a decision regarding bargaining unit representation or when a court issues a decision.

In various sections, the revisions are to classifications established, revised or abolished with the approval of the Civil Service Commission.

In various sections, the revisions are to the format of the Pay Plan to reduce duplicate information and provide easier access to information contained within the Pay Plan.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2019 REGULATORY AGENDA

B) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a, 20 ILCS 415/8c, 20 ILCS 415/8e, 20 ILCS 415/9(7) and 20 ILCS 415/9(14)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.

D) Date Agency anticipates First Notice: Peremptory amendments based on new memoranda of understanding or other bargaining unit agreements will be filed as negotiations are completed. Peremptory amendments based on court order directed to the Department of Central Management Services will be filed when received.

Proposed amendments based on new, revised, or abolished classifications not represented by the bargaining units will be filed as the classification actions are approved by the Civil Service Commission.

Proposed amendments for the other revisions will be filed as the policies are prepared by the Director of Central Management Services after consultation with operating agency heads and the Director of the Governor's Office of Management and Budget and approved by the Governor.

The proposed amendment to Section 310.Appendix D will be filed about September 1, 2019.

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) Agency contact person for information:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2019 REGULATORY AGENDA

Lisa Fendrich
Compensation Section
Division of Technical Services
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
401 South Spring Street
Springfield IL 62706

217/782-7976
fax: 217/524-4570
CMS.PayPlan@Illinois.gov

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

CHIEF PROCUREMENT OFFICER FOR THE
ILLINOIS DEPARTMENT OF TRANSPORTATION

JULY 2019 REGULATORY AGENDA

a) Part (Heading and Code Citation): Chief Procurement Officer for the Department of Transportation – Contract Procurement; 44 Ill. Admin Code 6

1) Rulemaking:

A) Description: The Chief Procurement Officer for the Department of Transportation (CPO) will be amending this Part as necessary to reflect changes made to 30 ILCS 500 by the 100th General Assembly.

B) Statutory Authority: 30 ILCS 500

C) Scheduled meeting/hearing dates: None scheduled.

D) Date Agency anticipates First Notice: Summer 2019

E) Effect on small businesses, small municipalities or not-for-profit corporations: Small Businesses could be affected.

F) Agency contact person for information:

Bill Grunloh, Chief Procurement Officer
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield IL 62764

217/558-5434

G) Related rulemakings and other pertinent information: None

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2019 REGULATORY AGENDA

a) Part (Heading and Code Citation): Registration and Operator Requirements for Radiation Installations (32 Ill. Adm. Code 320)1) Rulemaking: Proposed AmendmentA) Description: The Agency will propose amendments to update categories and requirements to coincide with the appropriate public safety level.B) Statutory Authority: Implementing and authorized by Sections 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 [420 ILCS 40/24.7, 25 and 25.1].C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website.D) Date Agency anticipates First Notice: Summer 2019E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments could affect all of these entities if they possess x-ray machines.F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
fax: 217/524-3698

G) Related rulemakings and other pertinent information: Noneb) Part (Heading and Code Citation): Licensing of Radioactive Material (32 Ill. Adm. Code 330)1) Rulemaking: Proposed Amendment

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2019 REGULATORY AGENDA

- A) Description: The Agency will propose amendments to Section 330.310 to add radiopharmaceutical generator eluate testing requirements for radiopharmacy manufacturers and to Section 330.260 to revise radiopharmacist training and attestation requirements. These amendments are required to be adopted by the Agency to maintain compatibility with the U.S. Nuclear Regulatory Commission.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website.
- D) Date Agency anticipates First Notice: Summer/Fall 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small municipalities will not be impacted. Small businesses and not-for-profit corporation may be affected if they have a radioactive material license for medical use. The cost of these changes should be minimal.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/524-0770
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: These revisions make training and generator testing requirements compatible with the corresponding changes in 32 Ill. Adm. Code 335 for hospitals and authorized user physicians.

- c) Part (Heading and Code Citation): Medical Use of Radioactive Material (32 Ill. Adm. Code 335)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2019 REGULATORY AGENDA

- 1) Rulemaking: Proposed Amendment
 - A) Description: The Agency will propose amendments to increase eluate sampling for radiopharmaceuticals; add new terms such as Associate Radiation Safety Officer and Ophthalmic Physicist; change requirements to written directives and event reporting for permanent brachytherapy to give physicians latitude in establishing treatment parameters; change physician training requirements for 3rd party attestations; and, provide exemptions for certain board-certified individuals. Many of these amendments are required to maintain compatibility with the U.S. Nuclear Regulatory Commission.
 - B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
 - C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website.
 - D) Date Agency anticipates First Notice: Summer/Fall 2019
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will not impact small municipalities. Small businesses and not-for-profit corporations may be impacted if they have a radioactive material license for medical use. Generally, the amendments should benefit the medical community with medical diagnostic and therapeutic uses and reporting. Costs should be minimal.
 - F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
fax: 217/524-3698

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2019 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: A corresponding change will be made to 32 Ill. Adm. Code 330 for nuclear pharmacists that prepare radiopharmaceuticals.
- d) Part (Heading and Code Citation): Radioactive Materials Transportation (32 Ill. Adm. Code 341)
- 1) Rulemaking: Proposed Amendment
- A) Description: The Agency will propose amendments to add an agency note for references to 10 CFR 71, indicating where the words "NRC", "Commission", "Nuclear Regulatory Commission", "United States Nuclear Regulatory Commission" or "Administrator of the appropriate Regional Office" appear in 10 CFR Part 71, substitute the words "Illinois Emergency Management Agency" and clarify the terms "certificate of compliance, compliance holder or applicant" apply to NRC as they are the sole authority for issuing a package Certificate of Compliance. These amendments are required for compatibility with the U.S. Nuclear Regulatory Commission.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website.
- D) Date Agency anticipates First Notice: Summer/Fall 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments encompass minor editorial changes and should not directly impact any of these entities.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2019 REGULATORY AGENDA

Springfield IL 62704

217/524-0770

fax: 217/524-3698

G) Related rulemakings and other pertinent information: Nonee) Part (Heading and Code Citation): Certification of Individuals to perform Industrial Radiography (32 Ill. Adm. Code 405)1) Rulemaking: Proposed AmendmentA) Description: The Agency will propose amendments to update references and requirements to match current procedures.B) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website.D) Date Agency anticipates First Notice: Fall/Winter 2019E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments could affect small businesses that are licensed and employ individuals to perform industrial radiography.F) Agency contact person for information:Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770

fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2019 REGULATORY AGENDA

- f) Part (Heading and Code Citation): Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill. Adm. Code 505)
- 1) Rulemaking: Proposed Amendment
- A) Description: The Agency will propose amendments to update references to the current code.
- B) Statutory Authority: Implementing and authorized by the Nuclear Safety Law of 2004 [20 ILCS 3310/25], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b] and Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website.
- D) Date Agency anticipates First Notice: Fall/Winter 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These entities will not be affected.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/524-0770
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2019 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Administrative Hearings and Appeals, 56 Ill. Adm. Code 2725
- 1) Rulemaking:
- A) Description: The Department is thinking about promulgating rules to require that all claims for adjustments (credits) and refunds be made on-line through MyTax Illinois.
- B) Statutory Authority: Sections 701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305 of the Unemployment Insurance Act [820 ILCS 405/701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304, and 2305].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: August 2019
- E) Effect on small businesses, small municipalities or not for profit corporations: The proposal would require the use of the computer, though the computers in the local office would be available for the employer's use.
- F) Agency contact person for information:
- Thomas D. Chan, Acting Legal Counsel
Illinois Department of Employment Security
33 South State Street - 9th Floor
Chicago IL 60603
- 312/793-2338
Thomas.D.Chan@Illinois.gov
- G) Related rulemaking and other pertinent information: None
- b) Part (Heading and Code Citation): Notices, Records, Reports, 56 Ill. Adm. Code 2760

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2019 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: There is an error in the example following Section 2760.110(c) that needs to be corrected.
 - B) Statutory Authority: Sections 204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208 of the Unemployment Insurance Act [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208].
 - C) Scheduled meeting/hearing dates: None
 - D) Date Agency anticipates First Notice: August 2019
 - E) Effect on small businesses, small municipalities or not for profit corporations: The proposal would have a minimal effect on businesses.
 - F) Agency contact person for information:

Thomas D. Chan, Acting Legal Counsel
Illinois Department of Employment Security
33 South State Street - 9th Floor
Chicago IL 60603

312/793-2338
Thomas.D.Chan@Illinois.gov
 - G) Related rulemaking and other pertinent information: None
- c) Part (Heading and Code Citation): Payment Of Unemployment Contributions, Interest And Penalties, 56 Ill. Adm. Code 2765
 - 1) Rulemaking:
 - A) Description: The Department is planning on promulgating rules to implement the provisions in Section 706 of the Unemployment Insurance Act relating to the failure of the employer to contest the claim of an "ineligible" claimant.

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2019 REGULATORY AGENDA

- B) Statutory Authority: Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2401 and 2600 of the Unemployment Insurance Act [820 ILCS 405].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: August 2019
- E) Effect on small businesses, small municipalities or not for profit corporations: The proposal would have a minimal effect on businesses.
- F) Agency contact person for information:
- Thomas D. Chan, Acting Legal Counsel
Illinois Department of Employment Security
33 South State Street - 9th Floor
Chicago IL 60603
- 312/793-2338
Thomas.D.Chan@Illinois.gov
- G) Related rulemaking and other pertinent information: None

DEPARTMENT OF INNOVATION AND TECHNOLOGY

JULY 2019 REGULATORY AGENDA

a) Part (Heading and Code Citations): Public Information, Rulemaking and Organization. 2 Ill. Adm. Code 1530.

1) Rulemaking:

- A) Description: In accordance with Section 5-15 of the Illinois Administrative Procedure Act, the Illinois Department of Innovation and Technology anticipates promulgating the following rules setting out procedures for request for public information and rulemaking, and the current description of the organization of the Department.
- B) Statutory Authority: Section 5-15 of the Illinois Administrative Procedure Act. [30 ILCS 100/5-15]
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: Internal Rule - Notice not Required.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Josué Barba
Legal Counsel
Department of Innovation and Technology
120 W Jefferson St.
Springfield IL 62702

217/524-1294

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JULY 2019 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Sportfishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)

1) Rulemaking:

- A) Description: This Part is being amended to update sportfishing regulations.
- B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35, 25-5, and 5/5-15].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: October 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Javonna Ackerman, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Commercial Fishing and Musseling in Certain Waters of the State (17 Ill. Adm. Code 830)

1) Rulemaking:

- A) Description: This Part is being amended to update regulations for certain waters in the State.

DEPARTMENT OF NATURAL RESOURCES

JULY 2019 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: October 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Javonna Ackerman, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Commercial Fishing in Lake Michigan (17 Ill. Adm. Code 850)
- 1) Rulemaking:
- A) Description: This Part is being amended to update regulations for commercial fishing in Lake Michigan.
- B) Statutory Authority: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: October 2019

DEPARTMENT OF NATURAL RESOURCES

JULY 2019 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life (17 Ill. Adm. Code 870)
- 1) Rulemaking:
- A) Description: This Part is being amended to update the regulations on the sale of Grass Carp and to clarify the need for aquaculture permits for those engaged in aquaculture activities.
- B) Statutory Authority: Implementing and authorized by Sections 1-20, 1-105, 1-125, 1-135, 1-140, 1-145 and 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-105, 1-125, 1-135, 1-140, 1-145 and 20-90].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: September 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

JULY 2019 REGULATORY AGENDA

217/782-1809

G) Related rulemakings and other pertinent information: Nonee) Part (Heading and Code Citation): Timber Buyer Licensing and Harvest Fees (17 Ill. Adm. Code 1535)1) Rulemaking:A) Description: This Part is being amended to better define agents of buyers and change reporting from quarterly to monthly for necessity of tracking legal timber and law and legal enforcement.B) Statutory Authority: Implementing and authorized by the Timber Buyers Licensing Act [225 ILCS 735].C) Scheduled meeting/hearing dates: NoneD) Date Agency anticipates First Notice: August 2019E) Effect on small businesses, small municipalities or not-for-profit corporations: No affect on small businesses. Required paperwork to be a timber buyer and purchase timber will require additional information and will require paperwork more often. Said information and paperwork are already on hand and/or are records buyers already keep.F) Agency contact person for information:John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citation): Revocation Procedures for Conservation Offenses (17 Ill. Adm. Code 2530)

DEPARTMENT OF NATURAL RESOURCES

JULY 2019 REGULATORY AGENDA

1) Rulemaking:

- A) Description: This Part is being amended to clarify language and procedures in an administrative hearing regarding the revocation of licenses and suspension of privileges under the jurisdiction of the Department.
- B) Statutory Authority: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100], Sections 70 and 105 of the Herptiles-Herps Act [510 ILCS 68] and authorized by Sections 5-625, 805-518, 805-545 and 805-550 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625, 805-518, 805-545 and 805-550].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: August 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR) Permits: Proposed New 35 Ill. Adm. Code 204; Amendments to 35 Ill. Adm. Code Parts 101, 105, 203, 211 and 215.
- 1) Rulemaking: Docket number R19-01.
- A) Description: Public Act 99-463, effective January 1, 2016, amends the Environmental Protection Act, by providing that the Pollution Control Board must adopt regulations establishing permit programs for Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR) permits meeting the applicable requirements of specified provisions of the Clean Air Act.
- B) Statutory Authority: Implementing and authorized by Sections 9.1, 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/9.1, 10, 27, 28].
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled at the time this regulatory agenda was filed.
- D) Date Agency anticipates First Notice: A Notice of Proposed Amendments may be published in the *Illinois Register* within the next 12 months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule would apply to sources seeking the specified air permits.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:
- Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov
- G) Related Rulemaking and other pertinent information: None

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

b) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)1) Rulemaking: Docket number R20-4

- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] requires the Board to adopt rules that are identical-in-substance to exempt from regulation those volatile organic compounds that the United States Environmental Protection Agency (USEPA) has determined are exempt from regulation for ozone due to negligible photochemical reactivity. The Illinois definition of volatile organic material (VOM) lists the federally excluded volatile organic compounds.

USEPA codified the compounds determined by to be exempt from regulation as 40 C.F.R. 51.100(s). 57 Fed. Reg. 3945 (Feb. 3, 1992). This codified definition includes all the compounds and classes of compounds excluded by USEPA. The Illinois definition of VOM, codified at 35 Ill. Adm. Code 211.7150, corresponds with USEPA's definition.

The Board reserved docket number R20-4 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may adopt between January 1, 2019 and June 30, 2019. By about mid-August 2019, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R20-4, as appropriate.

Section 9.1(e) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2019, the due date for Board adoption of amendments in docket R20-4 would be January 1, 2020.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

To meet a due date of January 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2019. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-4.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 110(a) of the federal Clean Air Act (42 USC 7410(a)) for amendment of the Illinois ozone SIP.
- D) Date Agency anticipates First Notice: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

exemption or proposed deletion from the USEPA list of exempted compounds.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-4, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

Address questions concerning this regulatory agenda, noting docket number R20-4, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

c) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 243)

1) Rulemaking: Docket number R20-3

A) Description: Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] requires the Board to adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency (USEPA) pursuant to section 109 of the federal Clean Air Act (42 USC 7409).

USEPA codified the primary and secondary NAAQS at 40 CFR 50, including provisions relative to methods for monitoring ambient air quality for the several contaminants (particulate matter, nitrogen oxides, sulfur oxides, ozone, carbon monoxide, and lead). Various other federal regulations relate to aspects of the NAAQS, such as 40 CFR 53 prescribing the procedure for approval of equivalent and reference methods and 40 CFR 81 designating air quality monitoring regions and setting forth their attainment/non-attainment status.

The Board reserved docket number R20-3 to accommodate any amendments to the federal NAAQS that USEPA may adopt between January 1, 2019 and June 30, 2019.

The Board is presently aware of one pertinent federal action during this update period:

March 29, 2019 (84 Fed Reg. 11793): USEPA designated a new federal equivalent method (FEM) for monitoring ozone in ambient air.

By about mid-August 2019, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois ambient air quality standards using the identical-in-substance procedure or dismiss this docket R20-3, as appropriate.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

Section 10(H) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. USEPA adopted an amendment that will require Board action on March 29, 2019, the due date for Board adoption of amendments in docket R19-16 is March 29, 2020.

To meet a due date of March 29, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by mid-January 2020. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-3.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 10(H), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10(H) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board may then schedule and conduct at least one public hearing, if required by Section 110(a) of the federal Clean Air Act (42 USC 7418) for amendment of the Illinois SIP for any air contaminant, should the Board deem such authorized and required.
- D) Date Agency anticipates First Notice: Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

To meet a due date of February 22, 2020, the Board will propose amendments and publish a Notice of Proposed Amendments in the *Illinois Register* before mid-January 2020. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of an air contaminant or precursor to an air contaminant that is the subject of an NAAQS.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-3, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

Address questions concerning this regulatory agenda, noting docket number R20-3, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

d) Part (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)

1) Rulemaking: Docket Number R18-32

- A) Description: On May 21, 2018, the Board received a third-party proposal to make amendments to the Board's General Use water quality standard for chloride. The rulemaking proposed amending Section 302.208(g) of the Board's water pollution regulations (35 Ill. Adm. Code 302.208(g)) and add a new Section 302.214. On June 21, 2018, the Board accepted the petition for hearing without submitting the amendments to the *Illinois Register* for first notice publication.

On March 14, 2019, the proponent filed an amended proposal. The proponent proposes new chloride water quality standards for General Use Waters and the Chicago Area Waterway System and Lower Des Plaines River (CAWS/LDPR) by adding new 35 Ill. Adm. Code 302.214 and 302.407(g)(2). The rulemaking is intended to address waterways that are affected by chloride from winter road salting practices in exceedance of the current standard by recognizing new findings that show chloride is less toxic to aquatic life at colder temperatures, which the proponent argues justifies a relaxed chloride standard during the colder months.

The amended proposal considers that the mathematical relationship between chloride toxicity and hardness and sulfate derived by the United States Environmental Protection Agency in 2009 is suitable for both warm or cold temperatures. The amended proposal also derives a mathematical relationship between temperature and chloride toxicity from data where tests were conducted at varying temperatures. Finally, the amended proposal uses the mathematical relationships to recommend acute and chronic chloride water quality standards in an equation form that is based

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

upon three site-specific variables: stream temperature, hardness, and sulfate. The proposed standard would apply anywhere and anytime throughout Illinois based on the site-specific conditions.

- B) Statutory Authority: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act (415 ILCS 5/13, 11(b), and 27).
- C) Scheduled meeting/hearing dates: The Board intends to hold at least two more hearings during the public comment period.
- D) Date Agency anticipates first notice: The Board may consider this rulemaking for first notice publication in the *Illinois Register* in the Winter of 2019-2020.
- E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking may have an effect any small business, small municipality, or not-for-profit corporation that engages in de-icing practices during snowfall and freezing temperatures.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

Address questions concerning this regulatory agenda, noting docket number R18-32, as follows:

Martín Klein
Pollution Control Board
100 W Randolph, Suite 11-500
Chicago IL 60601
312/814-3665
Martin.E.Klein@illinois.gov

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

e) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R20-2

A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] requires the Board to adopt Illinois rules that are identical-in-substance to wastewater pretreatment rules adopted by the United States Environmental Protection Agency (USEPA) under sections 307(a), (b), and (c) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.1317(a), (b), and (c) and 1342(b)(8) and (b)(9)).

The Board has reserved docket number R20-2 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that USEPA may adopt between January 1, 2019 and June 30, 2019.

By about mid-August 2019, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure or dismiss docket R20-2, as appropriate.

Section 13.3 of the Act requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2019, the due date for Board adoption of amendments in docket R20-2 would be January 1, 2020.

To meet a due date of January 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2019. This would allow the Board to accept public comments on the proposal for 45 days before adopting any

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-2.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-2, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

don.brown@illinois.gov

Address questions concerning this regulatory agenda, noting docket number R20-2, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 307 or 310 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- f) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

- 1) Rulemaking: Docket number R20-5

- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] requires the Board to adopt Illinois rules that are identical-in-substance to update the Illinois drinking water requirements adopted by the United States Environmental Protection Agency (USEPA) under sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. 300g-1(b), 300g-3(c), 300g-6(a), and 300j-4). The USEPA requirements may amend national primary drinking water regulations (NPDWRs), public notice requirements,

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

restrictions on use of lead in plumbing, and monitoring and recordkeeping requirements.

The Board reserved docket number R20-5 to accommodate any amendments to NPDWRs, 40 CFR 141 through 143, that USEPA may adopt between January 1, 2019 and June 30, 2019.

By about mid-August 2019, the Board will determine whether USEPA rules require any Board actions required in response. The Board will then propose necessary amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R20-5, as appropriate.

Section 17.5 requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2019, the due date for Board adoption of amendments in docket R20-7 would be January 1, 2020.

To meet a due date of January 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2019. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-7.

- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-5, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

Address questions concerning this regulatory agenda, noting docket number R20-5, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-6924
michael.mccambridge@illinois.gov

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- g) Part (Heading and Code Citation): Groundwater Quality (35 Ill. Adm. Code 620)

- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency will propose eight new groundwater quality standards: aluminum, molybdenum, lithium, PFOS, PFOA, herbicide transformation compounds, 1-methylnaphthalene, and combined radium. The Agency will propose that the Board adopt site-specific Class III special resource groundwater quality standards and amend Class I and Class II groundwater quality standards based on updated toxicological, chemical and physical information.
- B) Statutory authority: Authorized by Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8] and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: The Board has not yet scheduled hearings on this proposal.
- D) Date Agency anticipates First Notice: Summer/Fall 2019
- E) Effect on small business, small municipalities or not-for-profit corporations: Sources or facilities that cause, threaten, or allow contamination of groundwater may be affected by these proposed rules.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

Small businesses, small municipalities or not-for-profit corporations may see an increase in compliance costs. However, costs would not be significant in comparison to the requirements already established in 35 Ill. Adm. Code 620.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

- G) Related rulemakings and other pertinent information: None

h) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)

- 1) Rulemaking: Presently reserved docket number R20-6

- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] requires the Board to adopt Illinois rules that are identical-in-substance to underground injection control (UIC) rules adopted by the United States Environmental Protection Agency (USEPA) under section 1421 of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. 300h).

The Board reserved docket number R20-6 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 147, that USEPA may adopt between January 1, 2019 and June 30, 2019.

By about mid-August 2019, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

necessary amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R20-6, as appropriate.

Section 13(c) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2019, the due date for Board adoption of amendments in docket R20-6 would be January 1, 2020.

To meet a due date of January 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2019. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-6.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 13(c) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, this rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-6, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

Address questions concerning this regulatory agenda, noting docket number R20-6, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 702, 704, 705, 720, or 730 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

- i) Parts (Headings and Code Citations):
RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)
- 1) Rulemaking: Docket number R20-8
- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] requires the Board to adopt Illinois rules that are identical-in-substance to hazardous waste management standards adopted by the United States Environmental Protection Agency (USEPA) to implement sections 3001 through 3005 of Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6921 through 6925).
- The Board reserved docket number R20-8 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 148, 260 through 270, 273, and 279, that USEPA may adopt between January 1, 2019 and June 30, 2019.
- Presently, the Board is aware of one pertinent federal action during this update period:

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

February 22, 2019 (84 Fed Reg. 5816): USEPA adopted rules governing management of hazardous waste pharmaceuticals. USEPA also revised the hazardous waste listing P075 for nicotine to exclude therapeutic patches, gum, and lozenges used as over-the-counter nicotine replacement therapy.

By about mid-August 2019, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois federal RCRA Subtitle C-derived hazardous waste regulations using the identical-in-substance procedure or dismiss docket R20-8, as appropriate.

To meet a due date of February 22, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by mid-November 2019. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-4.

Section 22.4(a) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. USEPA adopted an amendment that will require Board action on February 22, 2019, the due date for Board adoption of amendments in docket R19-16 is February 22, 2020.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather,

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

To meet a due date of February 22, 2020, the Board will propose amendments and publish a Notice of Proposed Amendments in the *Illinois Register* before late November 2019. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-8, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

Address questions concerning this regulatory agenda, noting docket number R20-8, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-6924

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 720 through 728, 733, 738, or 739 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- j) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

- 1) Rulemaking: Docket number R20-1

- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] requires the Board to adopt Illinois rules that are identical-in-substance to underground storage tank (UST) regulations adopted by the United States Environmental Protection Agency (USEPA) pursuant to section 9003 of Subtitle I of the federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6991b (2017)). The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs. The Board reserved docket number R20-1 to accommodate any amendments to the RCRA Subtitle I regulations, 40 CFR 281 through 283, that USEPA may adopt between January 1, 2019 and June 30, 2019. By about mid-August 2019, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R20-1, as appropriate.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

Section 22.4(d) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2019, the due date for Board adoption of amendments in docket R20-1 is January 1, 2020.

To meet a due date of January 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2019. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-1.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a UST.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-1, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

Address questions concerning this regulatory agenda, noting docket number R20-1, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 731 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

- k) Part (Heading and Code Citations): Special Waste Hauling 35 Ill. Adm. Code 809
- 1) Rulemaking: Docket Number R19-18
- A) Description: The United States Environmental Protection Agency's ("USEPA") recent implementation of its e-Manifest system - which was primarily designed for tracking hazardous waste - is negatively and unnecessarily affecting the transportation of state-regulated, non-hazardous special waste in Illinois. This is because Illinois regulations, specifically 35 Ill. Adm. Code 809, currently require the use of USEPA's Uniform Hazardous Waste Manifest for all special waste (both hazardous and non-hazardous). The proposed amendments would allow Illinois transporters of non-hazardous special waste to obtain and use functionally identical manifests to track such waste while avoiding the significant costs and burdens associated with utilization of USEPA's e-Manifest system.
- B) Statutory Authority: Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27].
- C) Scheduled meeting/hearing dates: Second hearing scheduled for June 6, 2019
- D) Date Agency anticipates First Notice: Summer 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Positive effect on small businesses who transport hazardous waste across state lines.
- F) Agency contact person for information:
- Daniel Pauley
Pollution Control Board
100 W. Randolph St.
Chicago, IL 60601
312/814-3886
Daniel.Pauley@illinois.gov
- G) Related rulemakings and other pertinent information: None

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

- 1) Parts (Headings and Code Citations):
Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R20-7

- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] requires the Board to adopt Illinois rules that are identical-in-substance to municipal solid waste landfill (MSWLF) rules adopted by the United States Environmental Protection Agency (USEPA) under sections 4004 and 4010 of Subtitle D of the federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6949 and 6949a).

The Board reserved docket number R20-7 to accommodate any amendments to the RCRA

Subtitle D MSWLF regulations, 40 CFR 258, that USEPA may adopt between January 1, 2019 and June 30, 2019.

By about mid-August 2019, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R20-7, as appropriate.

Section 22.40(a) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2019, the due date for Board adoption of amendments in docket R20-7 would be January 1, 2020.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

To meet a due date of January 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2019. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-7.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-7, as follows:

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

Address questions concerning this regulatory agenda, noting docket number R20-7, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 807 or 810 through 815 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- m) Part (Heading and Code Citation): Coal Combustion Residual Surface Impoundments at Power Generating Facilities (35 Ill. Adm. Code 845)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (Agency) will propose that the Board adopt regulations governing new and existing coal combustion residual (CCR) surface impoundments. The regulations will

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

be as stringent as existing federal law in 40 C.F.R Part 257 and will establish criteria to determine which CCR surface impoundments and CCR management practices do not pose a reasonable probability of adverse effects on health or the environment.

- B) Statutory authority: Implementing Section 22.59 of the Act, as proposed by Senate Bill 9 of the 101st General Assembly and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, and 28].
- C) Scheduled meeting/hearing dates: The Board has not yet scheduled hearings on this proposal.
- D) Date Agency anticipates First Notice: The second half of calendar year 2020.
- E) Effect on small business, small municipalities or not-for-profit corporations: Entities that may be impacted by these proposed rules would include any sources or facilities that manage or generate CCR.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

- G) Related rulemakings and other pertinent information: None
- n) Part (Heading and Code Citation): General Provisions (35 Ill. Adm. Code 1420)
- 1) Rulemaking: Docket Number R18-29(B)
- A) Description: On February 14, 2019, the Board began a rulemaking to consider substantive amendments to the definition of "Class 4 etiological

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

agent" in the Board potentially infectious medical wastes (PIMW) rules (See 35 Ill. Adm. Code 1420.102).

The Board found in a review of its potentially infection medical waste rules (see Amendments to 35 Ill. Adm. Code Subtitle M, R18-29 (Feb. 14, 2019)) that the definition of "Class 4 etiological agent" is outdated. *Id.* at 3. After considering public comments on the issue, the Board concluded non-substantive amendments would not adequately update the definition, substantive revisions would fall outside the scope of the ongoing rulemaking, and there was not enough information in the record to determine an adequate substantive revision.

The Board is receiving public comments on appropriate revisions to update the definition of "Class 4 etiological agent".

- B) Statutory Authority: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/56.2 & 27].
- C) Scheduled meeting/hearing dates: The Board has no additional hearings scheduled for this rulemaking.
- D) Date Agency anticipates first notice: The Board may consider this rulemaking for first notice publication in the *Illinois Register* in Winter 2019-2020.
- E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking may have an effect any small business, small municipality, or not-for-profit corporation that engages in the treatment, packaging, labeling, storage, transportation, and disposal of PIMW.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 W Randolph, Suite 11-500
Chicago IL 60601
312/814-3461

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

don.brown@illinois.gov

Address questions concerning this regulatory agenda to noting docket number R18-29(B) to:

Martín Klein
Pollution Control Board
100 W Randolph, Suite 11-500
Chicago IL 60601
312-814-3665
Martin.E.Klein@Illinois.Gov

- G) Related rulemakings and other pertinent information: None
- o) Part (Heading and Code Citation): General Provisions (35 Ill. Adm. Code 1500)
- 1) Rulemaking: No docket presently reserved
- A) Description: On May 27, 2019, Senate Bill 171 (SB 171) passed both houses of the Illinois General Assembly. If signed into law by the Governor, SB 171 would transfer the powers and responsibilities of the Drycleaner Environmental Response Trust Fund Council (Council) to the Illinois Environmental Protection Agency. SB 171 also provides that rules adopted by the Council become rules of the Board, and it gives the Board authority to amend the transferred rules and adopt new rules administering and enforcing the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135].
- B) Statutory Authority: Implementing Section 12 of the Drycleaner Environmental Response Trust Fund Act as proposed in Senate Bill 171 of the 101st General Assembly and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: Pending action by the Governor on SB 171, the Board has not scheduled hearings at this time.
- D) Date Agency anticipates first notice: Pending action by the Governor on SB 171, the Board expects that it may publish a Notice of Proposed Amendments in the *Illinois Register* in the next 12 months.

POLLUTION CONTROL BOARD

JULY 2019 REGULATORY AGENDA

- E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect a small business engaged in drycleaning operations.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601
312/814-3461
don.brown@illinois.gov

- G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2019 REGULATORY AGENDA

- a) Part (Heading and Code Citation): General Provisions (23 Ill. Adm. Code 2700)
- 1) Rulemaking:
- A) Description: This Part will be revised due to recent legislation that created the Retention of Illinois Students and Equity (RISE) Act (HB 2691, which expands financial aid eligibility), anticipated to be signed into law shortly.
- B) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: July 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704
- 217/782-2161
jackie.eckley@illinois.gov
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2019 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: This Part will be revised due to recent legislative activity (SB 1467) expanding the eligibility requirements for the program to individuals who were residents of Illinois for 15 consecutive years after leaving federal active duty service.
 - B) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
 - C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
 - D) Date Agency anticipates First Notice: July 2019
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None
 - F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704

217/782-2161
jackie.eckley@illinois.gov
 - G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)
 - 1) Rulemaking:

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2019 REGULATORY AGENDA

- A) Description: This Part will be revised due to recent legislation that created the Retention of Illinois Students and Equity (RISE) Act (HB 2691, which expands financial aid eligibility), anticipated to be signed into law shortly.
- B) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: July 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704

217/782-2161
jackie.eckley@illinois.gov

- G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Optometric Education Scholarship Program (23 Ill. Adm. Code 2741)

- 1) Rulemaking:

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2019 REGULATORY AGENDA

- A) Description: This Part will be revised due to recent legislation that created the Retention of Illinois Students and Equity (RISE) Act (HB 2691, which expands financial aid eligibility), anticipated to be signed into law shortly.
- B) Statutory Authority: Implementing Section 65.70 of the Higher Education Student Assistance Act [110 ILCS 947/65.70 and authorized by Sections 20(f) and 65.70 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.70].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: July 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704

217/782-2161
jackie.eckley@illinois.gov

- G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Grant Program for Exonerees (23 Ill. Adm. Code 2743)

1) Rulemaking:

- A) Description: This Part is being revised to clarify minor operational issues that have arisen while preparing to open and administer the program for

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2019 REGULATORY AGENDA

the first time since it was created, after receiving funding in the FY20 budget.

- B) Statutory Authority: Implementing and authorized by Section 62 of the Higher Education Student Assistance Act [110 ILCS 947/62].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: July 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704

217/782-2161
jackie.eckley@illinois.gov

- G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill. Adm. Code 2763)

1) Rulemaking:

- A) Description: This Part will be revised due to recent legislation that created the Retention of Illinois Students and Equity (RISE) Act (HB 2691, which expands financial aid eligibility), anticipated to be signed into law shortly.

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2019 REGULATORY AGENDA

- B) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: July 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704

217/782-2161
jackie.eckley@illinois.gov

- G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Public University Uniform Admission Pilot Program (23 Ill. Adm. Code 2773)

1) Rulemaking:

- A) Description: ISAC is adding this Part in response to the creation of a new program resulting from legislation (HB 26) during the spring, 2019 session of the Illinois General Assembly.
- B) Statutory Authority: New Act

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2019 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: July 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704
- 217/782-2161
jackie.eckley@illinois.gov
- G) Related rulemakings and other pertinent information: None

EXECUTIVE ORDER

2019-10
EXECUTIVE ORDER CEMENTING ILLINOIS' COMPREHENSIVE
2020 CENSUS EFFORT

WHEREAS, once each decade, the U.S. Census Bureau seeks to count every person in the United States. The next census will occur on April 1, 2020 and will be the first census to rely heavily on online responses;

WHEREAS, the Office of the Governor is committed to ensuring that Illinoisans receive their fair share of federal resources and are fairly represented in Congress by encouraging the full participation of all Illinoisans in Census 2020;

WHEREAS, a complete and accurate count of Illinois' population is essential, because data collected by the Census directly impacts - for 10 years - the number of seats the State will have in the U.S. House of Representatives, the redistricting of the State legislature, and how billions of dollars in federal funds are distributed to the State and local governments;

WHEREAS, Illinois and its local jurisdictions utilize census data to develop an accurate understanding of the social and economic characteristics of geographic areas and population groups to determine those areas and groups' funding for infrastructure projects, economic development programs, job training, schools, and other vital programs and services;

WHEREAS, an accurate count of Illinois' population is essential to ensure that the State receives the funding it needs to properly care for its residents and provide critical services and programs. In 2015, Illinois received \$19,738,866,367, or approximately \$1,535 per capita, in federal assistance for 16 programs. The failure to count every Illinois resident would have devastating effects on Illinois' ability to meet the needs of its residents. Even a one-percent undercount would result in the State losing \$19,557,435 per year for a decade, resulting in a total loss of \$195,574,350;

WHEREAS, the primary and perpetual challenge facing the U.S. Census Bureau is the undercount of certain population groups;

WHEREAS, a geographic area is considered "hard to count" if the area's self-response rate in the 2010 decennial census was 73% or less;

WHEREAS, 16% of Illinois' population live in "hard to count" communities; these communities include racial and ethnic minorities, foreign-born individuals, renters, people with disabilities, those living close to or below the poverty line, homeless persons, undocumented immigrants, young mobile persons, LGBTQ persons, people who live in rural areas, and children younger than five years old;

EXECUTIVE ORDER

WHEREAS, given the emphasis on the use of online responses to conduct the 2020 Census, "hard to count" communities also include individuals living in homes without a broadband internet subscription;

WHEREAS, 18% of Illinois households have either no or very limited Internet access;

WHEREAS, despite progress made by the Illinois Complete Count Commission led by the Illinois Secretary of State's office, many Illinois residents and families are still at risk of being uncounted or undercounted in the Census;

WHEREAS, the best interest of Illinois families and communities will only be served by a complete and accurate 2020 Census;

WHEREAS, to ensure a complete and accurate count, the State must start a robust mobilization effort now to educate and engage communities across the state, increase collaboration between all levels of government, and build strong partnerships between private-sector and community leaders;

THEREFORE, I, JB Pritzker, Governor of Illinois, by virtue of the executive authority vested in me by Article V of the Constitution of the State of Illinois, hereby order as follows:

I. The Census Office is Established within the Department of Human Services

- a. The Illinois Department of Human Services (DHS) shall establish an office (the Census Office) to support the Illinois Census 2020 by conducting outreach and education, distributing critical funding to ensure an accurate and complete census count throughout Illinois, and providing grant oversight and assistance.
- b. The Census Office within DHS shall coordinate the State's census efforts. In doing so, the Census Office shall work closely with the Office of the Governor and shall have the authority to enlist the assistance of all State agencies and departments within the executive branch to, among other things, identify opportunities for education and promotion of the 2020 Census with Illinois residents. Each agency and department within the executive branch shall designate a point person to work with the Census Office to achieve the purposes of this order. All agencies and departments within the executive branch shall, to the extent not inconsistent with law, cooperate fully with the Census Office and furnish it with such assistance on as timely a basis as is necessary to accomplish the purposes of this Executive Order.

EXECUTIVE ORDER

- c. Two census co-coordinators (Census Co-Coordinators) shall be appointed by the Governor to direct the Census Office to ensure it achieves the purposes of this Executive Order.
- d. The Census Co-Coordinators will lead the state's effort to ensure a complete and accurate 2020 Census count for the State of Illinois.
- e. In directing the work of the Census Office, the Census Co-Coordinators may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of their mission.
- f. The Census Co-Coordinators shall receive input from the Census Advisory Panel to assist them in directing the work of the Census Office and achieving the goals of this Executive Order.
- g. DHS shall file reports on a public website on the first of every month until the Census 2020 work is complete, beginning September 1, 2019. These reports shall outline the overall budget for Illinois 2020 Census-related efforts, expenditures, and the distribution of funding to organizations throughout Illinois. The Illinois Senate President, the Speaker of the Illinois House, and the Senate and House Minority Leaders may request that DHS include additional information related to the work of the Census Office in the monthly reports, and DHS shall include such information.

II. The Census Advisory Panel is Established

- a. The Census Advisory Panel (the "Panel") shall consist of 12 members. The Governor shall appoint two members; the President of the Senate or his or her designee shall appoint three members; the Speaker of the House of Representatives or his or her designee shall appoint three members; the Minority leader of the Senate or his or her designee shall appoint two members; and the Minority Leader of the House of Representatives or his or her designee shall appoint two members. The individuals appointed by the Governor and the legislative leaders shall represent a broad cross-section of the state's population.

III. The Scope of the Work of the Census Advisory Panel

The Panel shall:

EXECUTIVE ORDER

- a. Serve as an advisory board to the Census Office within DHS to help ensure a complete and accurate census count in Illinois. The assistance and advice provided by the Panel may include guidance on:
 - i. Drafting the Notice of Funding Opportunity (NOFO) for the distribution of Census funds;
 - ii. Identifying the broad funding allocation plan and the phases for its distribution;
 - iii. Assisting with outreach and education;
 - iv. Identifying capacity building needs and opportunities for technical assistance for entities responding to the NOFO;
 - v. Ensuring wide distribution of the NOFO to ensure a robust competitive process for the funding;
 - vi. Monitoring the effectiveness of the efforts of the Census Office;
 - vii. Coordinating with the Illinois Complete Count Commission; and
 - viii. Crafting messaging and strategies to ensure Illinoisans are reached in linguistically competent and culturally appropriate ways.
- b. Focus its efforts on ensuring that those communities historically undercounted in the Census and other "hard to count" communities throughout Illinois receive specialized outreach and assistance.
- c. Convene in person or by teleconference to faithfully fulfill the responsibilities as described above.

IV. The Timing of the Work of the Census Office

- a. On or before June 30, 2019, the Co-Coordiators shall hold at least one meeting of the Panel.
- b. On or before July 31, 2019, DHS shall post a public Notice of Funding Opportunity ("NOFO"), consistent with Illinois Grant Accountability and Transparency Act rules, describing the opportunity for grant funding for outreach efforts. The NOFO shall invite applications seeking Regional Intermediaries to conduct outreach in distinct geographic regions of Illinois.
- c. After the funding of grant recipients and on or before March 31, 2020, the Co-Coordiators, with advice from the Panel, shall identify any areas of further need. Based on identified areas of further need, the Co-Coordiators, shall determine whether to increase existing grant funding to Regional Intermediaries and/or provide grants to new grantees to address identified needs.

EXECUTIVE ORDER

V. Savings Clause

Nothing in this Executive Order shall be construed to contravene any federal or State law or regulation. Nothing in this Executive Order shall affect or alter the existing statutory powers of any State agency or be construed as a reassignment or reorganization of any State agency.

VI. Prior Executive Orders

This Executive Order supersedes any contrary provision of any other prior Executive Order.

VII. Severability Clause

If any part of this Executive Order is found to be invalid by a court of competent jurisdiction the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

VIII. Effective Date

The Executive Order shall take effect immediately upon its filing with the Secretary of State.

Issued by Governor: June 20, 2019

Filed with Secretary of State: June 20, 2019

PROCLAMATION

**2019-126
Flooding Disaster Proclamation**

WHEREAS, multiple waves of spring storms generating moderate to heavy rainfall moved through Illinois, causing ground saturation, flash flooding and river flooding; and

WHEREAS, already-elevated river levels across the State caused by excessive rain totals and significant snowmelt in recent months have been exacerbated by these recent storms; and

WHEREAS, flooding in Illinois has necessitated evacuations across the State, caused widespread impacts to residential and commercial properties, resulted in costly emergency protective measures, and damaged public works infrastructure; and

WHEREAS, the flooding of transportation routes has triggered the closure of hundreds of state and local roadways, resulting in a disruption of essential services and threatening public health and safety, and

WHEREAS, these conditions already have contributed to the issuance of disaster proclamations on May 3, 2019 and May 31, 2019, covering 34 Illinois counties located along the Illinois and Mississippi Rivers; and

WHEREAS, the Rock River and Green River both experienced flooding at or above the major flood level for an extended period of time continuing during the months of May and June, as result of the spring rains that inundated the State of Illinois and other conditions that contributed to the issuance of the May 3 and May 31 disaster proclamations; and

WHEREAS, there are approximately seven breaches along the Green River and Hennepin Canal that are in need of repair and water pumps are being used continuously to mitigate seepage; and

WHEREAS, extensive personnel hours and fuel supplies are needed to keep generators running for a water treatment facility affected by the flooding from the Mississippi River; and

WHEREAS, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted, and state resources are needed and have been deployed across the State to respond to and recover from the effects of the severe storms and flooding; and

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster.

PROCLAMATION

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Henry County and Knox County as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and to coordinate State resources to support local governments in disaster response and recovery operations.

Section 3. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

Section 4. In order to alleviate any impediments to flood-fighting activities in these counties, the provisions of 17 Illinois Administrative Code Parts 3700 and 3704 related to levees and floodwalls are suspended.

Section 5. This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 6. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor June 20, 2019

Filed by the Secretary of State June 20, 2019

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 43, Issue 27 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

8 - 125	.....	7323
68 - 1350	.....	7335
89 - 50	.....	7361
86 - 200	.....	7379
23 - 1	.....	7389

ADOPTED RULES

8 - 250	6/21/2019	7402
8 - 290	6/21/2019	7408
8 - 955	6/21/2019	7422
23 - 1100	6/20/2019	7429
80 - 3000	7/1/2019	7447
23 - 1501	6/20/2019	7454
86 - 470	6/18/2019	7463

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

19 - 10	6/20/2019	7547
19 - 126	6/20/2019	7552

REGULATORY AGENDA

80 - 310	.....	7489
44 - 6	.....	7492
32 - 320	.....	7493
56 - 2725	.....	7499
2 - 1530	.....	7502
17 - 810	.....	7503
35 - 204	.....	7508
23 - 2700	.....	7540