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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Conference Registration and Fees
- 2) Code Citation: 29 Ill. Adm. Code 115
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
115.10	New Section
115.20	New Section
115.30	New Section
115.40	New Section
- 4) Statutory Authority: Implementing and authorized by Section 5(i) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(i)].
- 5) A Complete Description of the Subjects and Issues Involved: IEMA is proposing this new Part to provide for IEMA-sponsored conference registration and fees pursuant to new authority under Section 5(i) of the Illinois Emergency Management Agency Act.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.355: No
- 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 Part may increase local government expenditures if a representative of that entity chooses to attend an IEMA-sponsored conference. There are no mandates for attending the conference.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may also be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED RULES

Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: This rulemaking could affect all three of these entities; however, it will only affect these entities if they have individuals planning to attend IEMA-sponsored conferences.
 - B) Reporting, bookkeeping or other procedures required for compliance: Online or in-person registration is required.
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of business subject to the proposed rules:
 - 54 Professional, Scientific, and Technical Services
 - B) Categories that the Agency reasonably believe the rulemaking will impact, including:
 - vii. training requirements
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED RULES

TITLE 29: EMERGENCY SERVICES, DISASTERS AND CIVIL DEFENSE
CHAPTER I: EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER a: GENERAL ADMINISTRATIONPART 115
CONFERENCE REGISTRATION AND FEES

Section	
115.10	Scope
115.20	Definitions
115.30	Exemptions
115.40	Registration and Fees

AUTHORITY: Implementing and authorized by Section 5(i) of the Illinois Emergency Management Agency Act [20 ILCS 3305].

SOURCE: Adopted at 43 Ill. Reg. _____, effective _____.

Section 115.10 Scope

Except as otherwise specifically exempted, this Part applies to all persons who attend Illinois Emergency Management Agency sponsored conferences.

Section 115.20 Definitions

"Director" means the Director of the Illinois Emergency Management Agency.

"IEMA" means the Illinois Emergency Management Agency.

Section 115.30 Exemptions

- a) All employees of IEMA and conference speakers shall be exempt from the fee specified in Section 115.40. These individuals are still required to register for the conference.
- b) The Director may exempt individuals from the fee specified in Section 115.40 as he/she deems appropriate. These individuals are still required to register for the conference.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED RULES

Section 115.40 Registration and Fees

- a) Individuals attending IEMA-sponsored conferences shall register as instructed by IEMA. Online registration will be provided through IEMA's website (<https://www.illinois.gov/iema>).
- b) Unless specifically exempted, conference fees are required for each registration.
- c) Fees for all IEMA-sponsored conferences shall be a maximum of \$100. Fees will be set by IEMA depending on federal and State funding available for each conference. Fee schedules and the deadline for refunds, if appropriate, will be provided at the time IEMA begins accepting registrations for the conference.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
130.40	Amendment
130.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to bring the cost of IDNR rentals at Dixon Springs State Park in line with fair market rates and provide for maintenance and upkeep to ensure the structures will be available for future constituents.
- 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? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

John Heidinger, Legal Counsel
Department of Natural Resources
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62702-1271

217/557-6379

- 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) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the revisions were not anticipated at the time

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 130

CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section	
130.10	Location
130.20	Purpose of Campground
130.30	Classification of Camps by Equipment Used – Definitions
130.40	Definitions
130.50	Registrations
130.60	Permits, Extensions and Time Limits
130.70	Fees and Charges
130.80	Refunds
130.90	Check-in and Check-out Times
130.100	Unoccupied Camps
130.110	Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30)
130.120	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.130	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.135	Campground Host Program
130.140	Use of Campground
130.150	Violation of Rule

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 13699, effective August 23, 2000; amended at 27 Ill. Reg. 12630, effective July 21, 2003; amended at 28 Ill. Reg. 6118, effective April 15, 2004; amended at 29 Ill. Reg. 20445, effective December 2, 2005; amended at 32 Ill. Reg. 181, effective December 19, 2007; amended at 32 Ill. Reg. 8406, effective May 21, 2008; amended at 34 Ill. Reg. 10791, effective July 16, 2010; amended at 43 Ill. Reg. _____, effective _____.

Section 130.40 Definitions

- a) "Camp" means a single family or group occupying one site that is a designated individual site within a Departmentally managed site, established and maintained for the sole purpose of camping, including the use of tents, trailers or any other type of camping device.
- b) A "Single Family" consists of either or both parents and unmarried children. Other family members will be considered as part of the family as long as they occupy the same shelter, but not to exceed a total of 4 adults (18 years of age or older).
- c) The "Single Group" consists of unrelated adults (18 years of age or older) with or without children occupying the same shelter. This group would not exceed 4 occupants (except for Rent-A-Camp sites with an extra large tent which would not exceed 8 occupants and a campground cabin would not exceed 6 occupants).
- d) A "Camp Shelter" is the portable equipment used by the single family or group for bedding and housing.
- e) If more than one camp shelter is required for the single family or group, they shall occupy separate campsites. (Exceptions: Minor children (under 18) sleeping in sleeping bags or in a tent outside the family shelter are considered occupants sharing the same shelter. A group of no more than 4 occupants may occupy up to 2 or 4 one-man tents on a single campsite.)

DEPARTMENT OF NATURAL RESOURCES

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- f) In no case will 2 or more tent trailers, travel trailers, self-propelled mobile campers, pick-up campers, or any combination thereof be considered as a single camp.
- g) Where campgrounds are laid out in defined sites, not more than one camp will be permitted on a site. Where campgrounds are not laid out in sites, the number of camps will be determined by the capacity of the existing sanitary facilities, parking areas, soil and turf conditions, potential social conflicts between campers due to crowding, and similar factors as determined by Department staff.
- h) A "Premium Campground" is a designated camping facility that has a preponderant history of consistently operating at capacity or has unique amenities, such as automated trap and skeet ranges, that are not typically offered at other State camping facilities. The following sites are designated as Premium Campgrounds: Chain O'Lakes State Park, Illinois Beach State Park, Kankakee River State Park, the World Shooting [and Recreational Complex \(WSRC\)](#), Rock Cut State Park, Shabbona Lake State Recreation Area and Starved Rock State Park.
- i) [A "Barracks" is a temporary housing structure characterized by its plainness and minimal amenities offered.](#)

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

Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary according to the type of campground and are as follows:
 - 1) Spring-Summer Camping (rates apply May 1 through September 30, except at the ~~WSRC World Shooting Complex~~ during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)
 - A) Class AA Sites: Camping fee of \$15 per night per site, \$10 utility

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fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access. The camping fee shall be \$25 per night on Friday, Saturday and Sunday of the Memorial Day and Labor Day holiday weekends and on Friday, Saturday and Sunday nights of the Independence Day weekend if July 4 falls on a Friday, Saturday, Sunday or Monday.

- B) Class A Sites: Camping fee of \$10 per night per site, \$10 utility fee. Sites having availability to showers, electricity and vehicular access. The camping fee shall be \$20 per night on Friday, Saturday and Sunday of the Memorial Day and Labor Day holiday weekends and on Friday, Saturday and Sunday nights of the Independence Day weekend if July 4 falls on a Friday, Saturday, Sunday or Monday.
- C) Class A Premium Sites: Camping fee of \$15 per night per site, \$10 utility fee. Sites having availability to showers, electricity and vehicular access. The camping fee shall be \$25 per night on Friday, Saturday and Sunday of the Memorial Day and Labor Day holiday weekends and on Friday, Saturday and Sunday nights of the Independence Day weekend if July 4 falls on a Friday, Saturday, Sunday or Monday.
- D) Class B-E Sites: Camping fee of \$8 per night per site, \$10 utility fee. Sites having availability to electricity and vehicular access.
- E) Class B-E Premium Sites: Camping fee of \$10 per night per site, \$10 utility fee. Sites having availability to electricity and vehicular access.
- F) Class B-S Sites: Camping fee of \$10 per night per site. Sites having availability to showers and vehicular access.
- G) Class B-S Premium Sites: Camping fee of \$12 per night per site. Sites having availability to showers and vehicular access.
- H) Class C Sites: Camping fee of \$8 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack)

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having availability to showers.

- I) Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
- J) Youth Group Camping: \$2 per person, minimum daily camping fee of \$20.
- K) Adult Group Camping: \$4 per person, minimum daily camping fee of \$40.
- L) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette State Park shall pay a fee of \$4 per night. At Dixon Springs and Horseshoe Lake State Fish and Wildlife Area (Alexander County), a deposit of \$40 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette [and Dixon Springs](#), deposit balances will not be refunded until inspection is made of the facilities after the group departs. If damages warrant, Pere Marquette [and Dixon Springs](#) will have authority to retain this deposit. Fees for day use of the group camps at Dixon Springs, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette shall be ~~\$75~~\$50 per day.
- M) Rent-A-Camp Tents
Tents will be made available at designated State parks and recreational areas throughout the Department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent will be

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based on the basic fees of \$8 or \$12 per night in addition to the class of camping rate on which the Rent-A-Camp site is located.

- N) Rent-A-Camp Cabin areas will provide, at a basic cabin rental fee of \$25 per night, one 2-bedroom cabin with 2 bunk beds, one full-sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee plus Class specific utility and camping fees, as follows:
- i) Rent-A-Camp Cabins at Class A Sites:
\$25 cabin rental plus \$10 utility fee and \$10 camping fee per night, per site at all sites having availability to showers and vehicular access.
 - ii) Rent-A-Camp Cabins at Class A Premium Sites:
\$25 cabin rental plus \$10 utility fee and \$15 camping fee per night, per site at all sites having availability to showers and vehicular access.
 - iii) Individual Rent-A-Cabins at Dixon Springs State Park:
rented individually – not by organized groups pursuant to subsection (a)(1)(L); ~~\$60~~~~\$30~~ cabin rental, \$45 barrack fee per unit.
- O) A \$5 per campsite non-refundable reservation fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the full amount of the camping and utility fee (if applicable) is required at the time reservations are made.
- P) Dumping of wastewater from recreational vehicles and camping trailers by persons who are not registered campers will cost \$5 per vehicle.
- 2) Fall-Winter Camping (rates apply October 1 through April 30, except at

DEPARTMENT OF NATURAL RESOURCES

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the ~~WSRC World Shooting Complex~~ during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)

- A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
 - B) When cold weather requires closing down buildings and shutting off water in any Class A or B campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
 - C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.
- b) Exceptions: Employees, Concessionaires, and Special Legislation
- 1) Persons who qualify and are placed in the campground host program at approved camping sites will not be required to pay the established camping fee.
 - 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
 - 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/~~4A~~] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/~~5~~], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.
 - A) Illinois residents age 62 or older will be charged one-half the

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established camping fee on any Monday, Tuesday, Wednesday, or Thursday, at Class AA, A Premium, A, B-E Premium, B-E, B-S Premium, and B-S sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

- B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class AA, A Premium, A, B-E Premium, B-E, B-S Premium and B-S sites on any Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites. Parents or legal guardians, aged 18 or over, of minors who have a current Class 2 Illinois Disabled Person Identification Card may register the campsite at the reduced rate specified in this subsection (b)(3)(B) for disabled persons, provided the disabled minor is present and camping at the same site as the parent or legal guardian.
- C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).
- c) World Shooting and Recreational Complex (~~WSRC~~)
The Department may establish the fees for use of all or parts of the campground at the WSRC through the negotiation of contracts for events to be held at the WSRC. The Department shall consider the numbers of camping spaces reserved

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and the services provided at each campsite when establishing fees by contract.
All other fees set forth in this Section shall apply to public camping at the WSRC.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3) Section Numbers: Proposed Actions:
 240.1805 Amendment
 240.1880 New Section
 240.1890 New Section
 240.1892 New Section
 240.1894 New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to implement recent amendments to the Illinois Oil and Gas Act, PA 100-896, related to the underground storage of natural gas, to ensure that the Part is consistent with current Department policies, to increase protections to the People and environment of Illinois, and to account for changes in industry practices and activities.
- 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? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u> :	<u>Proposed Actions</u> :	<u>Illinois Register Citations</u> :
240.125	Amendment	42 Ill. Reg. 23546; December 21, 2018
240.140	Amendment	42 Ill. Reg. 23546; December 21, 2018
240.150	Amendment	42 Ill. Reg. 23546; December 21, 2018
240.160	Amendment	42 Ill. Reg. 23546; December 21, 2018
240.180	Amendment	42 Ill. Reg. 23546; December 21, 2018
240.185	Amendment	42 Ill. Reg. 23546; December 21, 2018

DEPARTMENT OF NATURAL RESOURCES

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240.186	Repealed	42 Ill. Reg. 23546; December 21, 2018
240.190	Amendment	42 Ill. Reg. 23546; December 21, 2018
240.420	Amendment	42 Ill. Reg. 23546; December 21, 2018
240.425	New Section	42 Ill. Reg. 23546; December 21, 2018
240.810	Amendment	42 Ill. Reg. 23546; December 21, 2018

- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:
- Daniel Brennan, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-0179
- 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) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: PA 100-896 was recently signed into law.

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

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 240

THE ILLINOIS OIL AND GAS ACT

SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.125	Notice
240.130	Hearings – Notices (Repealed)
240.134	Lease Validation Petitions
240.135	Falsification or Misstatement of Information
240.131	Unitization Hearings
240.132	Integration Hearings
240.133	Hearings to Establish Pool-Wide Drilling Units
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.155	Civil Complaint
240.160	Director's Decision
240.170	Cessation Order (Repealed)
240.180	Enforcement Hearings and Enforcement Cessation Orders
240.185	Cessation of Oil Production Operations
240.186	Cessation of Conditions Creating an Imminent Danger to Public Health and Safety and the Environment
240.190	Temporary Relief Hearings

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240.195 Subpoenas

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section

240.200 Applicability
240.210 Application for Permit to Drill, Deepen or Convert to a Production Well
240.220 Contents of Application
240.230 Authority of Person Signing Application
240.240 Additional Requirements for Directional Drilling
240.245 Additional Requirements for Horizontal Drilling
240.250 Issuance of Permit to Drill or Operate
240.251 Revocation of Permit to Drill
240.255 Conversion of a Production Well to a Water Well
240.260 Change of Well Location
240.270 Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.280 Duration of Underground Injection Well Orders (Repealed)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section

240.300 Applicability
240.305 Transfer of Management (Recodified)
240.310 Application for Permit to Drill, Deepen, or Convert or Amend to a Class II UIC Well
240.311 Application for Freshwater Aquifer Exemption
240.312 Freshwater Aquifer Exemptions
240.320 Contents of Application
240.330 Authority of Person Signing Application
240.340 Proposed Well Construction and Operating Parameters
240.350 Groundwater and Potable Water Supply Information
240.360 Area of Review
240.370 Public Notice
240.380 Issuance of Permit
240.385 Conversion of a Class II Well to a Water Well
240.390 Permit Amendments
240.395 Update of Class II UIC Well Permits Issued Prior to July 1, 1987

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SUBPART D: SPACING OF WELLS

Section	
240.400	Definitions
240.410	Drilling Units
240.420	Well Location Exceptions within Drilling Unit
240.430	Drilling Unit Exceptions
240.440	More Than One Well on a Drilling Unit
240.450	Directional Drilling
240.455	Horizontal Drilling
240.460	Modified Drilling Unit
240.465	Special Drilling Unit
240.470	Establishment of Pool-Wide Drilling Units Based Upon Reservoir Characteristics

SUBPART E: WELL DRILLING,
COMPLETION AND WORKOVER REQUIREMENTS

Section	
240.500	Definitions
240.510	Department Permit Posted
240.520	Drilling Fluid Handling and Storage
240.525	Saltwater or Oil Based Drilling Fluid Handling and Storage
240.530	Completion Fluid and Completion Fluid Waste Handling and Storage
240.540	Drilling and Completion Pit Restoration
240.550	Disposal of General Oilfield Wastes and Other Wastes

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING
REQUIREMENTS FOR PRODUCTION WELLS

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240.600	Applicability
240.605	Drilled Out Plugged Hole (DOPH) Notification
240.610	Construction Requirements for Production Wells
240.620	Remedial Cementing of Leaking Wells
240.630	Operating Requirements
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240.650	Confidentiality of Well Data

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- 240.655 Mechanical Integrity Testing for Class II Injection Wells (Repealed)
- 240.660 Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)
- 240.670 Avoidable Waste of Gas (Repealed)
- 240.680 Escape of Unburned Gas Prohibited (Repealed)

SUBPART G: WELL CONSTRUCTION, OPERATING
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

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- 240.700 Applicability and Definitions
- 240.710 Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells
- 240.720 Surface and Production Casing Requirements for Conversion to Class II UIC Wells
- 240.730 Surface and Production Casing Requirements for Existing Class II UIC Wells
- 240.740 Other Construction Requirements for Class II UIC Wells
- 240.750 Operating Requirements for Class II UIC Wells
- 240.760 Establishment of Internal Mechanical Integrity for Class II UIC Wells
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- 240.800 Definitions
- 240.805 Lease and Well Identification
- 240.810 Tanks, Tank Batteries and Containment Dikes
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240.920	Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits
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240.926	Liquid Oilfield Waste Transportation System and Vehicle Operating Requirements
240.930	Produced Water
240.940	Crude Oil Bottom Sediments
240.945	Lease Road Oiling
240.950	Crude Oil Spill Waste Disposal (Repealed)
240.960	Oil Field Brine Hauling Permit Conditions (Repealed)
240.970	Inspection of Vehicles (Repealed)
240.980	Transfer of Permits (Repealed)
240.985	Revocation of Oil Field Brine Hauling Permit (Repealed)
240.990	Records and Reporting Requirements (Repealed)
240.995	Bonds – Blanket Surety Bond (Repealed)

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Section	
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240.1005	Applicability
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240.1020	Contents of Application

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240.1030	Authority of Person Signing Application
240.1040	Notice and Hearing
240.1050	Issuance of Permit
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SUBPART K: PLUGGING OF WELLS

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240.1130	Plugging and Temporary Abandonment of Inactive Production Wells
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240.1132	Plugging and Temporary Abandonment of Inactive Class II UIC Wells
240.1140	General Plugging Procedures and Requirements
240.1150	Specific Plugging Procedures
240.1151	Procedures for Plugging Coal Seams
240.1160	Plugging Fluid Handling and Storage
240.1170	Plugging Fluid Waste Disposal and Well Site Restoration
240.1180	Lease Restoration
240.1181	Lease Restoration Requirements (Repealed)
240.1190	Filing Plugging Report

SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

Section

240.1200	Applicability
240.1205	Application for Permit to Drill a Test Well or Drill Hole
240.1210	Contents of Application for Permit to Drill or Convert to an Observation, Gas Storage Well or Service Well (Repealed)
240.1220	Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well
240.1230	Authority of Person Signing Application
240.1240	Issuance of Permit
240.1250	When Wells Shall Be Plugged and Department Notification
240.1260	Plugging and Restoration Requirements
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240.1280 Converting to Water Well

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section

240.1300 Introduction
240.1305 Permit Requirements in Mine Areas
240.1310 Workable Coal Beds Defined
240.1320 Mining Board may Determine Presence of Coal Seams
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240.1350 Casing and Protective Work
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240.1370 Inspection of Vehicles (Recodified)
240.1380 Transfer of Permits (Recodified)
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240.1390 Records and Reporting Requirements (Recodified)
240.1395 Bonds – Blanket Surety Bond (Recodified)

SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section

240.1400 Definitions
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240.1410 Applicability
240.1420 Notification of Transfer
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240.1430 Responsibilities of Current Permittee
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240.1450 Authority of Person Signing Notification of Acceptance
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SUBPART O: BONDS

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- 240.1500 When Required, Amount and When Released
- 240.1510 Definitions
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SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section

- 240.1600 Definitions
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- 240.1620 Plugging Orphaned Wells
- 240.1625 Plugging Abandoned Wells Through Landowner Grant
- 240.1630 Emergency Well Plugging, Emergency Repair Work, Emergency Projects
- 240.1635 Emergency Well Plugging and Emergency Project Reimbursement
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- 240.1650 Authorization for a Permittee to Operate Its Wells Placed into the Plugging and Restoration Fund Program for Abandonment
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- 240.1700 Fee Liability
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SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS
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240.1810	Submission of Underground Gas Storage Field Map
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240.1830	Application for Permit to Drill or Convert Wells
240.1835	Content of Application for Permit to Drill or Convert to an Observation or Gas Storage Well
240.1840	Authority of Person Signing Application
240.1850	Issuance of Permit
240.1852	Gas Storage and Observation Well, Construction, Operating and Reporting Requirements
240.1855	Well Drilling Completion and Workover Requirements
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240.1865	Liquid Oilfield Waste Disposal
240.1870	Plugging of Gas Storage and Observation Wells
240.1880	Natural Gas Incident Notice to Department
240.1890	Inspection Fees for Underground Natural Gas Storage Fields Within Footprint of Sole Source Aquifer
240.1892	When Annual Inspection Fees Are Due
240.1894	Opportunity to Contest Billing

SUBPART S: REQUIREMENTS FOR SERVICE WELLS

Section

240.1900	Applicability
240.1905	Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes
240.1910	Contents of Application for Permit to Drill or Convert to a Service Well
240.1920	Authority of Person Signing Application
240.1930	Issuance of Permit
240.1940	When Wells Shall Be Plugged and Department Notification
240.1950	Plugging and Restoration Requirements
240.1960	Converting to Water Well

AUTHORITY: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725].

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427,

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effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8422, effective April 28, 1998; amended at 22 Ill. Reg. 8845, effective April 28, 1998; amended at 22 Ill. Reg. 22314, effective December 14, 1998; amended at 25 Ill. Reg. 9045, effective July 9, 2001; amended at 35 Ill. Reg. 13281, effective July 26, 2011; amended at 38 Ill. Reg. 18717, effective August 29, 2014; amended at 38 Ill. Reg. 22052, effective November 14, 2014; amended at 40 Ill. Reg. 7051, effective April 22, 2016; expedited correction at 40 Ill. Reg. 11042, effective April 22, 2016; emergency amendment at 40 Ill. Reg. 13265, effective September 1, 2016, for a maximum of 150 days; emergency expired January 28, 2017; amended at 41 Ill. Reg. 2957, effective February 21, 2017; amended at 42 Ill. Reg. 5811, effective March 14, 2018; amended at 43 Ill. Reg. _____, effective _____.

SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS
AND FOR GAS STORAGE AND OBSERVATION WELLS

Section 240.1805 Definitions

"Downhole" means the portion of an underground natural gas storage facility from the first flange attaching the wellhead to the pipeline equipment and continuing down the well casing to and including the storage reservoir.

"Gas Storage Operator" means any entity that owns or operates an underground gas storage field.

a) "Gas Storage Well" means a well drilled for input and/or withdrawal of natural gas or manufactured gas in a gas storage field.

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"Natural Gas Incident" means an event that:

involves a release of stored natural gas from the downhole portion of an underground natural gas storage facility located within the footprint of a Sole Source Aquifer in the State; and

results in the unintentional estimated gas loss of 3,000,000 cubic feet or more.

b) "Observation Well" means a well drilled to monitor subsurface conditions in oil and gas projects or gas storage fields.

"Sole Source Aquifer" means an aquifer that is the sole or principal drinking water source for an area and that, if contaminated, would create a significant hazard to public health as defined in 42 USC 300h-3(e) and further defined in USEPA, 1987, Sole Source Aquifer Designation Decision Process, Petition Review Guidance.

"Stored Natural Gas" means natural gas that is:

transported by pipeline into an underground natural gas storage facility for the purpose of storage prior to transmission back to the pipeline; and

stored within the underground gas storage field.

e) "Underground Gas Storage Field" means an area of land that is contained within the lowest closing structural contour for which gas can be stored in a subsurface stratum.

~~d) "Gas Storage Operator" means any entity that owns or operates an underground gas storage field.~~

"Underground Natural Gas Storage Facility" means a facility that stored natural gas in an underground natural gas storage field incident to natural gas transportation, including:

A depleted hydrocarbon reservoir;

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An aquifer reservoir; or

A solution-mined salt cavern reservoir, including associated material and equipment used for injection, withdrawal, monitoring, or observation wells, and wellhead equipment, piping, rights-of-way, property, buildings, compressor units, separators, metering equipment, and regulator equipment.

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

Section 240.1880 Natural Gas Incident Notice to Department

- a) Applicability. This Section applies to all natural gas incidents.
- b) For all natural gas incidents, the permittee shall immediately notify the District Office in which the underground natural gas storage facility is located and provide public notice in compliance with Section 7.5 of the Act.

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

Section 240.1890 Inspection Fees for Underground Natural Gas Storage Fields Within Footprint of Sole Source Aquifer

- a) The Department shall conduct annual inspections at all gas storage fields lying on the footprint of a Sole Source Aquifer designated as such in 2015 by USEPA in the State to ensure that there are no infrastructure deficiencies or failures that could pose any harm to public health. The owner of the gas storage field shall cover the costs of the annual inspection. (Section 7.6 of the Act)
- b) Beginning on January 1, 2019, the Department will assess an inspection fee during each fiscal year for the total costs incurred by the Department to perform annual inspections of all wells permitted under the Act and this Section, present at an underground natural gas storage facility located within the footprint of a Sole Source Aquifer, including wells reported to be transferred pursuant to Subpart N but not yet approved for transfer by the Department. The permittee for each well is responsible for paying the full assessed amount.
- c) Assessment of Inspection Fees

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- 1) For the period of January 1, 2019 through June 30, 2019, no later than December 31, 2019, the Department will calculate the applicable annual inspection fees incurred by the Department and issue the assessment to the permittee;
- 2) For the fiscal year beginning on July 1, 2019 and for every fiscal year thereafter, no later than December 31 the Department will calculate the applicable annual inspection fees incurred by the Department during the preceding fiscal year and issue the assessment to the permittee.
- d) Liability for assessed inspection fees does not cease until full payment is received by the Department.
- e) If a permittee fee check is returned due to insufficient funds or because payment was stopped, the permittee is required to repay fees for that fiscal year by cashier's check or money order.
- f) All fees collected under this Subpart shall be deposited into the Department's Underground Resources Conservation Enforcement Fund.

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

Section 240.1892 When Annual Inspection Fees Are Due

Annual inspection fees assessed under Section 240.1890 shall become due upon assessment and shall be deemed delinquent if not paid within 90 days after the initial assessment date. Any permittee with delinquent annual inspection fees shall not operate, permit or transfer wells within the State of Illinois without first paying all delinquent fees and associated civil penalties assessed under the Act.

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

Section 240.1894 Opportunity to Contest Billing

- a) Permittees may contest the amount of annual inspection fees assessed under Section 240.1890 by submitting a written objection to the billing no later than 30 days after the assessment date.

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- b) The objection must be in writing, signed by the permittee, or by an individual authorized to sign for the permittee, and must identify the nature of the objection. The written objection shall be mailed to the Office at its Springfield location and must include a statement of the facts supporting the objection.
- c) The Department shall respond to any valid objections within 30 days and either deny the objection or affirm it and issue an amended assessment. The Department's decision to deny or affirm the objection is a final administrative decision of the Department for purposes of the Administrative Review Law [735 ILCS 5/Art. III] (see Section 10 of the Act).

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

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- 1) Heading of the Part: Settlement Bureau
- 2) Code Citation: 86 Ill. Adm. Code 216
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
216.100	New Section
216.105	New Section
216.110	New Section
216.115	New Section
216.120	New Section
216.125	New Section
216.130	New Section
216.135	New Section
216.140	New Section
216.145	New Section
- 4) Statutory Authority: 20 ILCS 2505/2505-500
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking creates the Settlement Bureau within the Department of Revenue and defines the procedures for operation.
- 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? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

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- 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:

Brian Fliflet
Deputy General Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson St.
Springfield IL 62794

217/782-2844

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

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

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NOTICE OF PROPOSED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 216
SETTLEMENT BUREAU

Section	
216.100	Settlement Bureau
216.105	Composition of the Settlement Bureau
216.110	Representation of the Taxpayer Before the Settlement Bureau
216.115	Procedure for Requesting Settlement
216.120	Settlement Bureau Procedures and Timelines
216.125	Settlement Decisions
216.130	Conferences Before the Settlement Bureau
216.135	Notice
216.140	Closing Agreement
216.145	Informal Review Precluded

AUTHORITY: Establishing a division as authorized by Section 2505-500 of the Civil Administrative Code of Illinois [20 ILCS 2505].

SOURCE: Adopted at 43 Ill. Reg. _____, effective _____.

Section 216.100 Settlement Bureau

The Director of Revenue will establish a Settlement Bureau (Bureau) for the purpose of settling proposed adjustments to tax returns generated by auditors of the Department of Revenue's Audit Bureau prior to the issuance of a Notice of Tax Liability, Notice of Deficiency, or Notice of Claim Denial. The Bureau shall have the authority to resolve any such matters when circumstances warrant, including hazards of litigation and uncertainty as to the application of facts to the law. This settlement process affords taxpayers an opportunity to resolve disagreements with the Department after an assessment or claim denial has been proposed, but before commencement of the formal protest and administrative hearing process. The Bureau's goal is to ensure that the Department resolves disputes with taxpayers concerning their tax liability in an expeditious and cost-effective manner. The Bureau shall liberally exercise its discretion in all areas provided for in this Part with this goal in mind. The settlement process set forth in this Part is not subject to requirements of the Illinois Administrative Procedures Act [5

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ILCS 100]. Any action taken by the Bureau is not subject to administrative review and may not be made part of the record in any other proceeding.

Section 216.105 Composition of the Settlement Bureau

- a) The Bureau shall be an independent office of the Department. It shall be separate and distinct, in terms of management and staffing, from the Audit Bureau, the Office of Administrative Hearings, the Board of Appeals, the Office of Legal Services, and the Informal Conference Board. The Bureau may, however, consult any of the aforementioned Department program areas for assistance.
- b) The Director of Revenue will appoint an Administrator. The Administrator shall:
 - 1) report directly to the Director of Revenue and serve at his or her pleasure;
 - 2) be an individual with extensive experience in state and local tax law and procedure;
 - 3) be responsible for supervising all Bureau staff;
 - 4) be responsible for all operations of the Bureau; and
 - 5) maintain records of all cases considered and all settlements approved by the Bureau.

Section 216.110 Representation of the Taxpayer Before the Settlement Bureau

A taxpayer may represent himself or herself or may be represented by any person of the taxpayer's choice during the settlement process. A taxpayer's chosen representative before the Bureau need not be an attorney. However, any person other than an officer or employee purporting to act in a representative capacity shall submit or have on file a duly executed Power of Attorney on a form prescribed by the Department before that person shall be allowed to represent the taxpayer before the Bureau.

Section 216.115 Procedure for Requesting Settlement

- a) Once the auditor has conducted the audit and made an examination of the taxpayer's books and records provided during the audit process, the Department

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will issue a Notice of Proposed Tax Liability, Notice of Proposed Deficiency, or Notice of Proposed Claim Denial. The notice shall state the amount of the proposed assessment or claim denial and inform the taxpayer of his or her opportunity to resolve the matter through settlement. The Department also will provide the taxpayer with a certificate of eligibility to proceed to the Bureau indicating the taxpayer has substantially complied with all reasonable requests for books and records.

- b) The taxpayer shall have 60 days after the date the notice is issued to submit a request for settlement to the Bureau. A request for settlement shall be deemed to be timely filed if it is either received by the Bureau or postmarked on or before the 60th day. If the 60th day falls on a weekend or holiday, the taxpayer shall have until the next business day.
- c) The Bureau shall not consider any requests for settlement from a taxpayer who has failed to substantially comply with all reasonable information and document requests made by the Audit Bureau for the periods at issue. Whether a taxpayer has the requested information or documents, or is capable of producing the information and documents, should be documented during the audit. Disputes concerning whether the taxpayer has substantially complied with all reasonable requests for books and records shall be resolved by the Bureau using its own discretion.

EXAMPLE 1. An audit requests certain bank statements from a taxpayer. The taxpayer refuses to comply with the request. The taxpayer is precluded from proceeding to the Bureau.

EXAMPLE 2. An audit requests certain financial statements from a taxpayer. The taxpayer provides an affidavit explaining that those financial statements do not exist. In these cases, the taxpayer may proceed to the Bureau.

- d) The Bureau has no jurisdiction to consider and resolve any tax period that is under criminal investigation by the State of Illinois.
- e) A request for settlement will commence the settlement review process. The Department may prescribe a form for settlement requests that includes at least the following information:

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- 1) the name of the taxpayer or taxpayers;
 - 2) the tax identification number;
 - 3) the mailing and email address of the taxpayer and the taxpayer's representative to which correspondence should be directed;
 - 4) the amount of the proposed assessment or claim denial that is the subject of the request;
 - 5) the audit period at issue to which the request is directed;
 - 6) a good faith offer to settle the dispute; and
 - 7) a waiver of the applicable statute of limitations that would otherwise prevent the Department from issuing a Notice of Tax Liability, Notice of Deficiency, or Notice of Claim Denial following the completion of an audit. In this instance, any applicable limitations period shall be tolled from the date the Bureau accepts jurisdiction up to and including 180 days following the date of the final determination issued by the Bureau.
- f) Either the taxpayer or the Bureau may request a conference to be held in-person or by telephone.
- g) A request for settlement shall raise legal and or factual objections to the proposed audit adjustments. The request shall state the taxpayer's specific reasons for disagreement with the proposed adjustments, including references to any information and competent legal authorities relied upon by the taxpayer. A request for settlement may also raise considerations such as availability of evidence or testimony regarding a disputed fact, the admissibility of particular records or testimony, and the weight to be afforded any authority presented.
- h) The Bureau shall not accept or negotiate offers in compromise, i.e., taking into account the taxpayer's ability to pay. A taxpayer only seeking relief from the further obligation to pay an undisputed tax liability based on an inability to pay, or contesting only the imposition of a penalty based on reasonable cause or the accrual of interest due to unreasonable Departmental delay, should contact the Department's Board of Appeals after a final assessment of the tax.

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- i) The Bureau shall not accept or negotiate settlement offers for periods in which a Notice of Tax Liability, Notice of Deficiency, or Notice of Claim Denial has been issued to the taxpayer.
- j) On agreed motion by the parties and pursuant to an order issued by the Illinois Independent Tax Tribunal, the Bureau may exercise jurisdiction to examine a proposed settlement of a proceeding pending at the Illinois Independent Tax Tribunal. The 90-day period provided herein for action by the Bureau shall commence upon the entry of the Tax Tribunal order providing for participation by the Bureau. To accept a settlement approved by the Bureau, the taxpayer shall dismiss the matter pending before the Tax Tribunal.
- k) Notwithstanding the jurisdictional limitations imposed by this Section (other than offers in compromise due to ability to pay that must be resolved at the Board of Appeals), the Bureau may exercise special jurisdiction to attempt to settle any case or controversy involving the Department upon referral from the Director or General Counsel.

Section 216.120 Settlement Bureau Procedures and Timelines

- a) Upon receipt of a request for settlement, the Bureau shall assign and record a docket number for the case. All correspondence between the Department and taxpayer or taxpayer's representative pertaining to the case should reference the assigned docket number. The Bureau shall determine jurisdiction and notify the taxpayer or taxpayer's representative whether jurisdiction has been accepted. Determining whether to accept or reject a request for settlement is at the discretion of the Bureau.
- b) As soon as practicable, the Administrator shall assign the case to a Settlement Officer. The Settlement Officer shall initially determine that a bona fide factual or legal dispute exists between the taxpayer and the Department. If no such dispute exists, the case will be dismissed.
- c) The Settlement Officer shall review the case based on the established record during audit. The Settlement Officer may not request additional information from the taxpayer. The Settlement Officer shall only review the issues that gave rise to the proposed tax deficiency or claim denial. The Settlement Officer cannot open

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new matters or refer new issues to the Audit Bureau. Insufficient information in the record is grounds for denying the settlement offer.

- d) The Settlement Officer may request technical assistance from the Department's legal staff. The Director of Revenue or his or her designee will assign legal staff to respond to Settlement Officer requests for assistance. Requests for technical assistance are limited to interpretations of law and are intended to assist the Settlement Officer.
- e) Based on the record, the Settlement Officer shall make a recommendation as to whether to accept or reject the taxpayer's offer. The Settlement Officer is not bound by the terms of the taxpayer offer. The Settlement Officer can propose and/or negotiate an alternative settlement with the taxpayer or taxpayer's representative. The taxpayer and Settlement Officer shall indicate in writing their agreement to proposed settlement terms that differ from the taxpayer's initial offer.
- f) The Settlement Officer shall make the recommendation based on an evaluation of the record and considering the time, costs and risks of litigation. While the goal of the Bureau is the expeditious and cost-efficient resolution of disputes, settlement review is no guarantee that a taxpayer's offer will be agreed to by the Settlement Officer or the Department.
- g) The Settlement Officer has 45 days from being assigned a case to issue a recommendation. If technical assistance has been requested, the Settlement Officer has 60 days to issue a recommendation. If an in-person conference is held, the time for issuing a recommendation is extended to 90 days.

Section 216.125 Settlement Decisions

- a) For recommendations by the Settlement Officer to accept a taxpayer's offer, whether as proposed or negotiated, the following procedures and approvals shall be followed:
 - 1) For adjustments in tax of \$500,000 or less, the recommendation will be reviewed and approved by the Administrator. The decision to approve or reject the Settlement Officer's recommendation shall be made within 10 days after receipt.

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- 2) For adjustments in tax of more than \$500,000, the recommendation shall be reviewed and approved by the Administrator and the Director of Revenue or his or her designee. The decision to approve or reject the recommendation shall be made within 30 days after receipt.
- b) If the Settlement Officer rejects the taxpayer's offer and a negotiated settlement cannot be otherwise reached within 90 days, the case is returned to the Administrator for dismissal and subsequent issuance of a Notice of Tax Liability, Notice of Deficiency, or Notice of Claim Denial by the Audit Bureau. Upon receipt of the applicable notice, the taxpayer will have all protest rights available under the law.

Section 216.130 Conferences Before the Settlement Bureau

- a) Taxpayers may, at the discretion of the Bureau, be given a conference in person or by telephone if one is requested in the request for settlement. The Bureau may also request a conference. The Bureau is not required to hold a conference, and the decision to provide a conference is at the discretion of the Bureau.
- b) The purpose of the conference is to allow the Bureau and the taxpayer or taxpayer's representative to explore the issues raised by the proposed audit adjustment, develop the legal and factual basis of the request for settlement, and consider information relevant to the determination of the request.
- c) If a conference is granted, the Bureau shall notify the taxpayer or taxpayer's representative of the time, date and location of the conference no less than 10 business days before the scheduled conference.
- d) All conferences shall be conducted between 30 and 60 days after assignment to the Settlement Officer. Failure by the taxpayer or the taxpayer's representative to cooperate with setting a conference date constitutes grounds for denying a conference.
- e) A taxpayer or a taxpayer's representative who does not appear at the scheduled conference shall be deemed to have waived his or her request for a conference unless good cause can be shown for failing to attend. Good cause includes, but is not limited to, illness of the taxpayer, or his or her representative or close family

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

member, and weather conditions or catastrophes, natural or otherwise, that preclude attendance by any party to the conference.

- f) Conferences shall be informal without regard to the rules of evidence or other practices and procedures.

Section 216.135 Notice

Whenever notice is required by this Part to be given to the taxpayer or taxpayer's representative, that notice shall be sufficient if provided in writing by U.S. Mail or by electronic mail, if the taxpayer or taxpayer's representative consents to electronic service.

Section 216.140 Closing Agreement

- a) If the Settlement Officer's recommendation to accept a taxpayer's offer is approved by the Director of Revenue and/or Administrator, the Bureau and the taxpayer shall enter into a Closing Agreement indicating the terms of settlement.
- b) Settlement terms set forth in the Closing Agreement are final and nonappealable.
- c) At the time the Closing Agreement is executed by the taxpayer, the taxpayer is required to remit the full amount of tax due. The Department may, at its discretion, agree to alternative payment terms.
- d) Closing Agreements are confidential taxpayer information under the applicable provisions of the tax statute under which the dispute arose. Closing Agreements shall only be disclosed as provided by law.
- e) Recommendations, notes, memoranda and other records of the Bureau with respect to issues raised in pending settlement matters are not subject to disclosure and do not become part of the audit file.

Section 216.145 Informal Review Precluded

Submitting a request for settlement precludes the taxpayer from seeking informal review by the Informal Conference Board.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Internal Security Standard and Fidelity Bonds
- 2) Code Citation: 50 Ill. Adm. Code 904
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
904.5	Amendment
904.7	New Section
904.10	Amendment
904.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) Effective Date of Rules: January 11, 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 principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 42 Ill. Reg. 17329; October 5, 2018
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: There were no substantive changes.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The change to Section 904.20 is being made to adjust to the higher volume of securities transactions in which companies, especially

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NOTICE OF ADOPTED AMENDMENTS

larger companies, engage nowadays. Previously, the rules required every instrument for the sale of securities and every check for the purchase of securities to be signed by two officers or other authorized employees. Today's high volume of securities transactions makes that standard unduly burdensome for some companies.

To ensure that there remains accountability for companies' securities transactions, the Department adopted these amendments to offer companies a choice between (a) adhering to the current signature standard or (b) devising their own policies, procedures, and controls such that the same individual does not authorize, record, and reconcile these transactions. Companies opting to adopt their own procedures would be required to show those procedures to the Department during examinations and to maintain documentation of which individuals have authority to approve securities transactions.

The amendments also add Section 904.7 (Definitions) to define terms used throughout the Part for the sake of economical and clear use of language. Additional nonsubstantive changes for stylistic improvement are also included.

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

Eric Moser, Assistant Deputy Director
Financial Regulation
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/557-3759

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIESPART 904
INTERNAL SECURITY STANDARD AND FIDELITY BONDS

Section

904.5	Authority and Purpose
904.7	Definitions
904.10	Registration of Securities
904.20	Custody, Care and Disposition of Securities
904.30	Signature of Checks – Facsimile Signatures
904.40	Bank Balance Verification
904.50	Bond Requirements

AUTHORITY: Implementing and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed October 15, 1971; amended at 2 Ill. Reg. 29, p. 161, effective July 17, 1978; codified at 6 Ill. Reg. 12461; amended at 16 Ill. Reg. 12561, effective July 27, 1992; amended at 17 Ill. Reg. 15584, effective September 14, 1993; amended at 30 Ill. Reg. 337, effective December 29, 2005; amended at 36 Ill. Reg. 18670, effective December 17, 2012; amended at 42 Ill. Reg. 20101, effective October 29, 2018; amended at 43 Ill. Reg. 1388, effective January 11, 2019.

Section 904.5 Authority and Purpose

- a) This Part is promulgated and adopted pursuant to and in accordance with the provisions of Section 401 of the ~~Illinois Insurance~~ Code.
- b) ~~All domestic insurance companies, as well as domestic health maintenance organizations, domestic limited health service organizations, dental service plan corporations, and health services plan corporations, referred to in this Part as such companies,~~ are directed and required, by resolution of their Board of Directors or other appropriate action, to conform their internal functions to this Part.

(Source: Amended at 43 Ill. Reg. 1388, effective January 11, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 904.7 Definitions

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Company" means any domestic company as defined in Section 2(f) of the Code, any health maintenance organization as defined in Section 1-2(9) of the Health Maintenance Organization Act [215 ILCS 125] that is formed under the laws of this State, any limited health service organization as defined in Section 1002 of the Limited Health Service Organization Act [215 ILCS 130] that is formed under the laws of this State, any dental service plan corporation as defined in Section 3 of the Dental Service Plan Act [215 ILCS 110], and any health services plan corporation as defined in Section 2(a) of the Voluntary Health Services Plans Act [215 ILCS 165].

"Security" has the meaning ascribed in Section 2.1 of the Illinois Securities Law of 1953 [815 ILCS 5].

(Source: Added at 43 Ill. Reg. 1388, effective January 11, 2019)

Section 904.10 Registration of Securities

All ~~bonds, stocks, notes, shares, debentures, evidences of indebtedness, certificates of interest or participation, certificates of deposit for a security and other~~ securities, whether negotiable or not, ~~referred to in this Part as "such securities"~~, belonging to or in the possession, custody or control of any ~~such~~ company shall be registered, issued to, and carried in the name of ~~thesuch~~ company except:

- a) Securities pledged or hypothecated with ~~thesuch~~ company as security for indebtedness or obligations to ~~thesuch~~ company;
- b) Securities deposited by or with ~~thesuch~~ company as collateral on fidelity or surety bonds written for or by ~~thesuch~~ company;
- c) Securities that are only issued to the bearer in bearer form, i.e., securities that cannot be issued in registered form;
- d) Securities in "custodial" accounts maintained with a bank or trust company

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licensed by the United States or any state and regularly examined by the licensing authority, provided that "custodial" accounts shall be the undivided responsibility of the depository and provided further that the "custodial" account shall be established conformably with, and conducted in compliance with, Section 904.20;

- e) Securities in street form and in the custody of a registered dealer in securities, for a period not exceeding 30 days, provided that ~~the~~ ~~such~~ registered dealer in securities shall not be an officer, director, agent or employee of the owner of ~~the~~ ~~such~~ securities and provided further that accounts with the dealer shall be established conformably with, and conducted in compliance with, Section 904.20;
- f) Securities deposited with any state insurance department or similar authority pursuant to any requirement for ~~that~~ ~~such~~ deposit if ~~the~~ ~~such~~ deposit may be made in "bearer" securities.

AGENCY NOTE: Illinois will not accept "bearer" securities as a part of a company's deposit.

(Source: Amended at 43 Ill. Reg. 1388, effective January 11, 2019)

Section 904.20 Custody, Care and Disposition of Securities

- a) Transfer, sale, assignment or disposition of any security belonging to any ~~such~~ company, other than upon the surrender of the security for payment at maturity or under an option of the maker of the security to repay the security, shall be authorized or ratified by the Board of Directors, or by a committee of the Board charged with the duty of supervising investments and loans.
- b) Any instrument for the assignment, sale, transfer or disposition of any ~~such~~ securities, and all checks or other orders for disbursement of funds of the company in connection with the purchase of any ~~such~~ securities, shall:
 - 1) require the signature of at least two officers or employees who shall have been so authorized by the Board of Directors, or by a committee of the Board charged with the duty of supervising investments and loans; or-
 - 2) be executed pursuant to policies, procedures and controls the company has put in place for the authorization of transactions and appropriate

DEPARTMENT OF INSURANCE

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segregation of duties relative to these types of transactions. The policies, procedures and controls must be approved by the Board of Directors of the company and a copy must be kept on file and made available for review by the Department in an examination. These policies, procedures and controls must require the company to:

- A) segregate duties among individuals related to authorization, recording and reconciling of the transactions so that no individual performs more than one of these duties; and
- B) maintain written documentation of:
 - i) the individuals, by name or job title, who have authority to approve the transactions covered in this Section; and
 - ii) the limits or ranges of each individual's authorization to approve the transactions.
- c) Access to any and all vaults or other repositories on the premises of any company containing securities of the company and access to any safe deposit boxes containing ~~thesuch~~ securities shall be limited to officers and employees designated by the Board of Directors. ~~This-and-such~~ designation shall require that at least two of the persons so designated shall be present at the time of entry and during the access to the vault, repository or safe deposit box.

(Source: Amended at 43 Ill. Reg. 1388, effective January 11, 2019)

SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULES

- 1) Heading of the Part: Grant Applications and Award Procedures – Census Participation and Immigrant Community Assistance Grants
- 2) Code Citation: 89 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
1500.10	Repealed
1500.20	Repealed
1500.30	Repealed
- 4) Statutory Authority: Authority granted by Sections 345 and 355 of PA 100-586.
- 5) Effective Date of Rules: January 10, 2019
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed with the Index Department: January 10, 2019
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The two referenced grants authorized by PA 100-586, Sections 345 and 355, do not include designated grant recipients. Therefore, an application process is required for the distribution of the grant funds.
- 10) A Complete Description of the Subjects and Issues Involved: Certain sums were appropriated to the Office of the Secretary of State by the General Assembly to be distributed as grants to qualified applicants. Qualified applicants may be ready, willing, and able to comply with the requirements to receive said grants; however, the Office of the Secretary first needs administrative rules to dictate the application process for interested recipients. The rules set forth herein codify the process the Secretary of State intends to use to select qualified applicants and disburse the grant funds appropriated for that purpose.
- 11) Are there any proposed rulemakings to the Part pending? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
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SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULES

1500.10	New Section	42 Ill. Reg. 18440; October 12, 2018
1500.20	New Section	42 Ill. Reg. 18440; October 12, 2018
1500.30	New Section	42 Ill. Reg. 18440; October 12, 2018

- 12) Statement of Statewide Policy Objective: The emergency amendments do not require expenditures by units of local government.
- 13) Information and questions regarding these emergency rules shall be directed to:

Amy Williams
Assistant Legal Advisor
298 Howlett Building
Springfield IL 62756

217/785-3094
Awilliams3@ilsos.net

The full text of the Emergency Repeal of Emergency Amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULES

TITLE 89: SOCIAL SERVICES
CHAPTER XIII: SECRETARY OF STATE

PART 1500

GRANT APPLICATION AND AWARD PROCEDURES – CENSUS PARTICIPATION AND
IMMIGRANT COMMUNITY ASSISTANCE GRANTS (REPEALED)

Section

1500.10 Purpose

EMERGENCY

1500.20 Grant Application

EMERGENCY

1500.30 Grant Reporting Requirements and Provisions

EMERGENCY

AUTHORITY: Authority granted by Sections 345 and 35 of Public Act 100-586.

SOURCE: Adopted by emergency rulemaking at 42 Ill. Reg. 18511, effective September 25, 2018, for a maximum of 150 days; emergency rule repealed at 43 Ill. Reg. 1394, effective January 10, 2019, for the remainder of 150 days.

Section 1500.10 Purpose**EMERGENCY**

Pursuant to authority granted by Sections 345 and 35 of Public Act 100-0586, the Office of the Secretary of State (SOS) *shall award the sum of \$1,500,000, or so much thereof as may be necessary to community providers statewide to encourage census participation; and the sum of \$2,500,000, or so much thereof as may be necessary, for grants to community providers statewide to assist immigrant communities in navigating government services.*

Section 1500.20 Grant Application**EMERGENCY**

- a) Applicants for these grants shall use the grant application format prepared and made available by SOS for this purpose. The applications will be available on the Secretary of State's website or by calling 312-814-7242. Each applicant shall describe itself, including its legal status (corporation, partnership, not-for-profit, etc) and its mission. Applicants shall designate whether they are applying for a

SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULES

grant to encourage census participation, or a grant to assist immigrant communities in navigating government services, and shall designate the amount of grant funds being requested. Each application shall include a detailed, narrative statement describing the proposed use of the grant funds. Each applicant also shall provide:

- 1) Project Director Name, with contact information
 - 2) Description of Ability to Administer the Grant
 - 3) Project Title
 - 4) Project Description
 - 5) Target Audience and Need
 - 6) Project Schedule
 - 7) Methods for Evaluating Outcome
 - 8) Proposed Budget, Details and Explanation of Expenses
- b) Grant applicants must demonstrate in their grant applications that they have satisfactorily met all requirements set forth in this Section, and they possess the administrative capacity to perform the program, fiscal and reporting functions stipulated in this Section.
- c) SOS may deny a grant application if the requirements in this Section are not met, or are inadequately met. SOS shall not discriminate on the basis of race, color, religion, gender, age, national origin, disability, marital status, sexual orientation, or military status in the awarding of grants.
- d) Grant applications not submitted in the required format by the deadline date set forth by the Secretary, or not completed, shall not be considered for funding by SOS.
- e) This shall be a competitive grant process. SOS staff shall review grant applications. Additional qualified reviewers may be selected by the Secretary as

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NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULES

needed. No grant applicant and no employee of a grant applicant may serve on the review committee. The review committee shall make recommendations to the Secretary of State for grant awards. The total sum appropriated for a particular purpose may be awarded to a single applicant, or that sum may be divided into awards to multiple applicants. If grants are awarded to multiple applicants, each selected application will be funded according to the amount of funding available based on demonstrated need, experience executing the proposed program or plan, and projected outcomes.

- f) All grant applicants will be notified whether or not their application has been approved. The decision of the Secretary of State regarding the award of grants under this Section is final. Decisions made pursuant to this Section are subject to the Administrative Review Act.
- g) SOS will notify the submitting entity when an application is approved. All approved applicants shall enter into a grant agreement provided by SOS before any grant funds will be distributed.

**Section 1500.30 Grant Reporting Requirements and Provisions
EMERGENCY**

- a) As stipulated by the grant agreement, the following reports will be completed and transmitted to the Office of the Secretary of State by each grant recipient:
 - 1) Quarterly narrative and financial reports showing expenditures made from grant funds by line item.
 - 2) A final financial report showing all expenditures of grant funds and the return of any non-expended grant funds.
 - 3) A final narrative report evaluating the degree to which the grantee achieved the goals and objectives of the project.
- b) SOS may request additional information and data from any grant applicant.
- c) Though grants awarded pursuant to this Section are not subject to the Grant Accountability and Transparency Act, SOS shall not consider grant applications

SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULES

submitted by entities included in the "Illinois Debarred and Suspended List" maintained by the Governor's Office of Management and Budget.

- d) Grant recipients shall maintain books and records relating to the expenditure of grant funds. Books and records, including information stored in computer systems, shall be maintained by the grant recipient for a period of three years from the later of the date of the final grant payment or the completion of the projects for which the grant was issued. Books and records required to be maintained under this section shall be available for review or audit by the Secretary. Failure to maintain books and records required by this section shall establish a presumption in favor of the Secretary for the recovery of any grant funds paid by the Secretary or his designee.
- e) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. Actions brought under that Act may include, but are not limited to, a grant recipient's failure to spend funds in accordance with the application or approved amendment or the failure to comply with reporting procedures stipulated in this Section. If a provision of this Section conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.
- f) Obligations of SOS to fund this grant program will cease immediately without penalty or further payment being required if the funds for the grants are not available to SOS.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Plumbing Code
- 2) Code Citation: 77 Ill. Adm. Code 890
- 3) Register Citation to Notice of Proposed Rules: 42 Ill. Reg. 24640; December 28, 2018
- 4) Date, Time and Location of Public Hearing:

February 4, 2019
9:00 am – 11:00 am
John R. Block Building (Auditorium)
801 East Sangamon Ave
Gate 11- State Fairgrounds
Springfield IL 62702

- 5) Other Pertinent Information:

This hearing is being held solely to gather public comment on the proposed rules. Persons interested in presenting testimony at the hearing are advised that the Department will adhere to the following procedures:

- A) Persons must sign in at the registration desk and must have the name badge provided on their person at all times while in the public hearing location.
- B) Persons may provide oral or written testimony.
- C) Persons wishing to provide oral testimony must register at the beginning of the hearing by completing the registration form available at the hearing room entrance.
- D) Persons registered to provide oral testimony must submit a written copy of their testimony at the time of registration.
- E) Persons giving oral testimony are asked to limit their comments to no more than three (3) minutes. Persons who exceed the time limit will be advised to conclude their testimony so that each person who wishes to offer oral testimony will have time to speak. Persons will not be recognized to speak a second time until all

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

registered persons have been offered the opportunity to give testimony. Persons will not be allowed to proxy their oral testimony to another person.

- F) Organizations are asked to select one spokesperson to present oral testimony on behalf of the organization. The spokesperson is limited to five (5) minutes to present comments on behalf of the organization or group.
- G) To provide a balanced presentation of views and to assist the orderly conduct of the hearing, the Department may impose other rules of procedure as necessary, including, but not limited to, the order of persons providing oral testimony.

6) Name and Address of Agency Contact Person:

Erin Conley
Division of Legal Services
Department of Public Health
535 West Jefferson Street, 5th Floor
Springfield IL 62761-0001

217/782-2043
email: dph.rules@illinois.gov

SECRETARY OF STATE

NOTICE OF MODIFICATION TO MEET THE RECOMMENDATION OF THE JOINT
COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Grant Applications and Award Procedures – Census Participation and Immigrant Community Assistance Grants
- 2) Code Citation: 89 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1500.10	New Section
1500.20	New Section
1500.30	New Section
- 4) Date Notice of Proposed Rules published in the *Illinois Register*: 42 Ill. Reg. 18440; October 12, 2018
- 5) Date JCAR Statement of Recommendation published in the Register: 42 Ill. Reg. 21473; November 30, 2018
- 6) Summary of Action Taken by the Agency: It was recommended that the Secretary of State add specific information to the permanent rulemaking regarding the administration of these grants, including the application evaluation and approval process, the eligibility to apply for the grants and the grant accountability standards. In response, the Secretary of State has added language regarding which types of entities may apply, more specific information regarding the grant review committee and its membership, specification of the criteria and point-system used to evaluate the grant applications, a statement defining "community provider", as well as clarification of the process of awarding sums for grants to which there are multiple applicants.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of January 8, 2019 through January 14, 2019. The following rulemakings are scheduled for the February 19, 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>
2/27/19	<u>Department of Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	10/19/18 42 Ill. Reg. 18780	2/19/19
2/27/19	<u>Secretary of State</u> , Commercial Driver Training Schools (92 Ill. Adm. Code 1060)	11/16/18 42 Ill. Reg. 20315	2/19/19
2/24/19	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	11/16/19 42 Ill. Reg. 20247	2/19/19

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Medicaid Community Mental Health Services Program (Repealer)

Code Citation: 59 Ill. Adm. Code 132

<u>Section Numbers:</u>	132.10	132.42	132.70	132.120	132.155
	132.15	132.44	132.75	132.125	132.160
	132.20	132.45	132.80	132.130	132.170
	132.25	132.47	132.90	132.135	132.App. A
	132.27	132.48	132.91	132.140	132.App B
	132.30	132.50	132.95	132.142	132.Table A
	132.32	132.55	132.100	132.145	132.Table B
	132.33	132.58	132.105	132.148	132.Table C
	132.35	132.60	132.110	132.150	
	132.40	132.65	132.115	132.151	

Date Originally Published in the Illinois Register: 4/20/18
42 Ill. Reg. 7322

At its meeting on December 11, 2018, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that DHS delay adopting these rulemakings until the Department of Healthcare and Family Services is ready to adopt related amendments to 89 Ill. Adm. Code 140 addressing Medicaid coverage issues that are no longer included in this new Part 132. JCAR further recommends that DHS and HFS, to the greatest extent possible, insure consistency between these rulemakings.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Medicaid Community Mental Health Services Program

Code Citation: 59 Ill. Adm. Code 132

Section Numbers:

132.10	132.85
132.15	132.95
132.25	132.100
132.30	132.105
132.35	132.110
132.40	132.115
132.45	132.120
132.50	132.125
132.55	132.130
132.60	132.135
132.65	132.140
132.70	132.145
132.75	132.150
132.80	132.155

Date Originally Published in the *Illinois Register*: 4/20/18
42 Ill. Reg. 7408

At its meeting on December 11, 2018, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that DHS delay adopting these rulemakings until the Department of Healthcare and Family Services is ready to adopt related amendments to 89 Ill. Adm. Code 140 addressing Medicaid coverage issues that are no longer included in this new Part 132. JCAR further recommends that DHS and HFS, to the greatest extent possible, insure consistency between these rulemakings.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's

Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF NATURAL RESOURCES

Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources

Code Citation: 17 Ill. Adm. Code 110

Section Numbers: 110.200 110.230
110.210 110.235
110.215 110.240
110.220 110.245
110.225 110.250

Date Originally Published in the *Illinois Register*: 5/11/18
42 Ill. Reg. 7905

At its meeting on December 11, 2018, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that, if the Department of Natural Resources believes that volunteers on Department property should be examined for criminal background, it seek statutory authority authorizing, and setting parameters for, criminal history background checks for volunteers.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

SECRETARY OF STATE

JANUARY 2019 REGULATORY AGENDA

a) Part (Heading and Code Citations): Procedures and Standards (92 Ill. Adm. Code 1001)1) Rulemaking:

A) Description: Amendments will be required to implement SB 3148, which provides that a restricted driving permit shall expire no later than 2 years (rather than within one year) from the date of issuance.

B) Statutory Authority: 625 ILCS 5/2-104

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: Early 2019

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

F) Agency contact person for information:

Ms. Amy Williams, Asst. General Counsel
Room 298, Michael J. Howlett Building
Springfield IL 62756

217/782-7153

Awilliams3@ilsos.net

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citations): Illinois State Library, Government Documents Section (23 Ill. Adm. Code 3020)1) Rulemaking:

A) Description: Amend Section 3020.150 to change the date from January 15 to July 15 of each year for State agencies to inform the Illinois State Library's Government Documents Section in writing of the person, persons, or positions responsible for distribution of publications of that agency.

SECRETARY OF STATE

JANUARY 2019 REGULATORY AGENDA

- B) Statutory Authority: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: February 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
300 South Second Street
Springfield IL 62701-1796

217/558-4185
fax 217/557-2619
jnatale@ilsos.net

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citations): The Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)

1) Rulemaking:

- A) Description: The definitions in Section 3035.210 will be clarified in order to address issues of electronic and instructional resources; and computation and computing skills. Section 3035.220 will be amended to allow more flexibility for grant applications. Also, we will amend the second sentence in Section 3035.230 regarding grant reviewers recusing themselves from a grant cycle because of a conflict-of-interest since the sentence exists in Section 3035.140, which covers the entire Part. The name of the Illinois Historic Preservation Agency will be changed to the Illinois Historic Preservation Office in Section 23 Ill. Adm. Code

SECRETARY OF STATE

JANUARY 2019 REGULATORY AGENDA

3035.450 (b)(1)(H) and 23 Ill. Adm. Code 520 (b)(3)(A). In addition, the requirement for an Americans with Disabilities Act self-evaluation in Section 23 Ill. Adm. Code 3035.520 (b)(3)(D) will be removed because it is now a requirement that all construction projects comply with the ADA.

B) Statutory Authority: Implementing and authorized by the Illinois State Library Act [15 ILCS 320/18].

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: February 2019

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

F) Agency contact person for information:

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Rules Coordinator
Illinois State Library
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G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citations): Public Library Non-Resident Services (23 Ill. Adm. Code 3050)

1) Rulemaking:

A) Description: Amend Section 3050.70 allowing non-residents who lease taxable property in a library service area for business purposes to be exempt from the non-resident fee. Create Section 3050.100 allowing public library non-residents to use their Illinois state issued drivers license

SECRETARY OF STATE

JANUARY 2019 REGULATORY AGENDA

or identification to check out material from the Illinois State Library's collection.

- B) Statutory Authority: Implementing and authorized by Section 4-7 of the Illinois Local Library Act [75 ILCS 5/4-7], and authorized by Section 30-55.60 of the Public Library District Act of 1991 [75 ILCS 16/30-55.60] and Section 8.25 of the State Mandates Act [30 ILCS 805/8.25].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: February 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Joseph Natale
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- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE
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