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ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Restricted Call Registry
- 2) Code Citation: 14 Ill. Adm. Code 300
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
300.10	New Section
300.20	New Section
300.30	New Section
300.100	New Section
300.110	New Section
300.120	New Section
300.130	New Section
300.200	New Section
300.300	New Section
300.400	New Section
300.410	New Section
- 4) Statutory Authority: Implementing and authorized by the Restricted Call Registry Act [815 ILCS 402].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules implement the Restricted Call Registry Act (Act), as amended by P.A. 93-0049. The amendment of the Act has necessitated the withdrawal of the rules originally proposed on January 10, 2003 at 27 Ill. Reg. 438. These proposed rules repeat statutory language and direct the public to the federal rules on this subject. The rules also establish that hearings held to enforce the Act and these rules will be held pursuant to the Commission's Rules of Practice, 83 Ill. Adm. Code 200.
- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 02-0845, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: Notice to be given by local exchange carriers
- C) Types of professional skills necessary for compliance: Managerial

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for these rules at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER III: ILLINOIS COMMERCE COMMISSION

PART 300
RESTRICTED CALL REGISTRY

SUBPART A: GENERAL PROVISIONS

Section	
300.10	Procedures Governed
300.20	Definitions
300.30	Federal Rules

SUBPART B: RESTRICTED CALL REGISTRY

Section	
300.100	Establishment and Maintenance of the Registry
300.110	Use of the Registry
300.120	Obligations of Telephone Solicitors
300.130	Enrollment of Residential Subscribers

SUBPART C: PUBLIC NOTIFICATION

Section	
300.200	Public Notification

SUBPART D: COMPLAINT PROCEDURES

Section	
300.300	Complaint Procedures

SUBPART E: VIOLATIONS

Section	
300.400	Relief
300.410	Exemptions

AUTHORITY: Implementing and authorized by the Restricted Call Registry Act [815 ILCS 402].

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SOURCE: Emergency rules adopted at 27 Ill. Reg. 438, effective January 1, 2003, for a maximum of 150 days; emergency expired May 30, 2003; adopted at 28 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 300.10 Procedures Governed

The Restricted Call Registry Act [815 ILCS 402] concerns telephone solicitations. This Part establishes procedures for a Restricted Call Registry, methods to obtain the Registry, subscriber enrollment, public notification, complaints procedures, violations and relief.

Section 300.20 Definitions

The following terms as used in this Part shall have the definitions shown:

"Act" means the Restricted Call Registry Act [815 ILCS 402].

"Commission" means the Illinois Commerce Commission.

"Established business relationship" means the existence of an oral or written transaction, agreement, contract, or other legal state of affairs involving a person or entity and an existing customer under which both parties have a course of conduct or established pattern of activity for commercial or mercantile purposes and for the benefit or profit of both parties. A pattern of activity does not necessarily mean multiple previous contacts. The established business relationship must exist between the existing customer and the person or entity directly, and does not extend to any related business entity or other business organization of the person or entity or related to the person or entity or the person or entity's agent including but not limited to a parent corporation, subsidiary partnership, company or other corporation or affiliate. (Section 5 of the Act [815 ILCS 402/5])

"Existing customer" means an individual who has either entered into a transaction, agreement, contract, or other legal state of affairs between a person or entity and a residential subscriber under which the payment or exchange of consideration for any goods or services has taken place within the preceding 18 months or has been arranged to take place at a future time or opened or maintained a debit account, credit card account, or other credit or discount

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program offered by or in conjunction with the person or entity and has not requested the person or entity to close such account or terminate such program. (Section 5 of the Act)

"Local exchange telecommunications company" means a local exchange telecommunications carrier certificated by the Illinois Commerce Commission to provide intra-exchange and/or inter-exchange service within the same market service area pursuant to Sections 13-209 and 13-210 of the Public Utilities Act [220 ILCS 5/13-209 and 13-210].

"Registry" means the Restricted Call Registry established under the Act. (Section 5 of the Act)

"Residential subscriber" means a person or spouse who has subscribed to either residential telephone service from a local exchange company or public mobile services, as defined by Section 13-214 of the Public Utilities Act [220 ILCS 5/13-214], a guardian of the person or the person's spouse, or an individual who has power of attorney from or an authorized agent of the person or the person's spouse. (Section 5 of the Act)

"Telephone solicitation" means any voice communication over a telephone line from a live operator, through the use of an autodialer or autodialer system, as defined in Section 5 of the Automatic Telephone Dialers Act [815 ILCS 305/5], or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, or for the purposes of soliciting charitable contributions, but does not include communications:

to any residential subscriber with that subscriber's prior express invitation or permission when a voluntary 2-way communication between a person or entity and a residential subscriber has occurred with or without an exchange of consideration. A telephone solicitation is presumed not to be made at the express request of a subscriber if one of the following occurs, as applicable:

The telephone solicitation is made 30 business days after the last date on which the subscriber contacted a business with the purpose of inquiring about the potential purchase of goods or services.

The telephone solicitation is made 30 business days after the last date on which the subscriber consented to be contacted.

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The telephone solicitation is made 30 business days after a product or service becomes available where the subscriber has made a request to the business for that product or service that is not then available, and requests a call when the product or service becomes available;

by or on behalf of any person or entity with whom a residential subscriber has an established business relationship which has not been terminated in writing by either party and which is related to the nature of the established business relationship;

by or on behalf of any person or entity with whom a residential subscriber is an existing customer, unless the customer has stated to the person or entity or the person's or entity's agent that he or she no longer wishes to receive the telemarketing sales calls of the person or entity, or unless the nature of the call is unrelated to the established business relationship with the existing customer;

by or on behalf of an organization that is exempt from federal income taxation under section 501(c) of the Internal Revenue Code (26 USC 501(c)), but only if the person making the telephone solicitation immediately discloses all of the following information upon making contact with the consumer:

the caller's true first and last name; and

the name, address, and telephone number of the organization;

by or on behalf of an individual licensed under the Real Estate License Act of 2000 [225 ILCS 454] or as an insurance producer under the Illinois Insurance Code [215 ILCS 5] who either:

is setting or attempting to set a face to face appointment for actions relating to that individual's real estate or insurance business; or

is encouraging or attempting to encourage the purchase or rental of, or investment in, property, goods, or services, which cannot be completed, and for which payment or authorization of payment is

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not required, until after a written or electronic agreement is signed by the residential subscriber; or

until July 1, 2005, by or on behalf of any entity over which the Federal Communications Commission or the Illinois Commerce Commission has regulatory authority to the extent that, subject to that authority, the entity is required to maintain a license, permit, or certificate to sell or provide telecommunications service, as defined in Section 13-203 of the Public Utilities Act [220 ILCS 5/13-203], while the entity is engaged in telephone solicitation for inter-exchange telecommunications service, as defined in Section 13-205 of the Public Utilities Act [220 ILCS 5/13-205], or local exchange telecommunications service, as defined in Section 13-204 of the Public Utilities Act [220 ILCS 5/13-204] or to the extent, subject to the regulatory authority of the Federal Communications Commission, the entity is defined by Title 47, section 522(5) of the United States Code (47 USC 522(5)), or providers of information services as defined by Title 47, section 153(20) of the United States Code (47 USC 153(20)). (Section 5 of the Act)

Section 300.30 Federal Rules

The federal rules for the restriction of telemarketing calls are found at 47 CFR 64.1200 for the Federal Communications Commission and at 16 CFR 310 for the Federal Trade Commission.

SUBPART B: RESTRICTED CALL REGISTRY

Section 300.100 Establishment and Maintenance of the Registry

- a) *The Commission shall establish and provide for the operation of a Restricted Call Registry. The national "do-not-call" registry established and maintained by the Federal Trade Commission, pursuant to 16 CFR 310.4(b)(1)(iii)(B) shall serve as the Illinois Restricted Call Registry.*
- b) *The Registry shall contain a list of the telephone numbers of residential subscribers who do not wish to receive telephone solicitation calls. (Section 20 of the Act [815 ILCS 402/20])*

Section 300.110 Use of the Registry

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- a) *Information pertaining to residential subscribers in the Registry is confidential and shall be afforded reasonable privacy protection except as necessary for compliance to avoid making or causing to be made any telephone solicitation calls to any residential subscriber more than 45 days after the person or entity obtains the Registry or any update of the Registry on which the residential subscriber's telephone number or numbers first appear and in a proceeding under Subpart E. The information is not a public record under the Freedom of Information Act [5 ILCS 140]. (Sections 10 and 20 of the Act [815 ILCS 402/10 and 20])*
- b) *A person or entity that obtains the Registry shall not use the Registry for any purpose other than to comply with the Act. These unlawful purposes include, but are not limited to, causing a subscriber to participate in and be included in the Registry without the subscriber's knowledge or consent, selling or leasing the Registry to a person other than a telephone solicitor, selling or leasing by a telephone solicitor of the Registry, and a telephone solicitor, either directly or indirectly, persuading a subscriber with whom it has an established business relationship to place his or her telephone number in the Registry, if the solicitation has the effect of preventing competitors from contacting that solicitor's customers. (Section 20 of the Act)*
- c) *No person or entity that sells, leases, exchanges, or rents telephone solicitation lists, except for directory assistance and telephone directories sold by telephone companies or their affiliates, shall include in those lists those telephone numbers that appear in the current Registry. (Section 20 of the Act)*

Section 300.120 Obligations of Telephone Solicitors

- a) *Prohibited calls. Beginning October 1, 2003, it is a violation of the Act for any person or entity to make or cause to be made any telephone solicitation calls to any residential subscriber more than 45 days after the person or entity obtains the Registry or any update of the Registry on which the residential subscriber's telephone number or numbers first appear on the Registry. (Section 10 of the Act)*
- b) *Any person or entity conducting telephone solicitation calls within the State of Illinois shall purchase the Restricted Call Registry and updates no less frequently than every 3 months exclusively from the Federal Trade Commission. Failure to do so prior to conducting telephone solicitation calls is a violation subject to the penalties provided for in Subpart E. (Section 20 of the Act)*

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Section 300.130 Enrollment of Residential Subscribers

Residential subscribers may enroll in the Registry using the methods prescribed by the Federal Trade Commission.

SUBPART C: PUBLIC NOTIFICATION

Section 300.200 Public Notification

- a) *The Commission shall include, on its Internet web site, information to customers regarding their right to be included in the Registry and the various methods by which they may enroll. (Section 30 of the Act [815 ILCS 402/30])*
- b) At least once per year, local exchange telecommunications companies shall notify their customers about the availability from the Commission of, and instructions for requesting information pertaining to, the Registry from the Commission. Local exchange telecommunications companies shall provide this notice, using language developed by the Commission's Consumer Services Division, through a message on the customer's bill, or a notice in the information section of all telephone directories distributed to customers and shall include on their website a link to the Commission's web page for the Registry.

SUBPART D: COMPLAINT PROCEDURES

Section 300.300 Complaint Procedures

The Commission and the Federal Trade Commission shall receive complaints from residential subscribers regarding telephone solicitation calls.

SUBPART E: VIOLATIONS

Section 300.400 Relief

- a) *The Commission may initiate administrative proceedings in accordance with this Part relating to a knowing and willful violation of Section 10 of the Act. (Section 35(a) of the Act [815 ILCS 402/35(a)])*
- b) Any enforcement proceedings for violation of the Act shall be conducted pursuant to 83 Ill. Adm. Code 200.

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- c) *If it is determined after a hearing that a person has knowingly and willfully violated one or more provisions of Section 35 of the Act, the Commission may assess a fine not to exceed \$1,000 for the first violation and not to exceed \$2,500 for a second or subsequent violation. Each individual violation of Section 10 of the Act shall be a separate and distinct offense under this Section. In imposing a penalty under Section 35 of the Act, the Commission shall, at a minimum, consider the following factors:*
- 1) *Whether the offense was knowing or willful;*
 - 2) *Whether the entity committing the offense has a prior history of non-compliance with the Act;*
 - 3) *The offender's relative ability to pay a penalty;*
 - 4) *Whether the offender has or has not cooperated with the Commission in pursuing the investigation; and*
 - 5) *Such other special, mitigating or aggravating circumstances as the Commission may find to exist.*
- d) No action or proceeding may be brought under this Section:
- 1) *More than one year after the person bringing the action knew or should have known of the occurrence of the alleged violation; or*
 - 2) *More than one year after the termination of any proceeding or action arising out of the same violation or violations by the State of Illinois, whichever is later. (Section 35 of the Act)*

Section 300.410 Exemptions

- a) *A person or entity may not be held liable for violating the Act if:*
- 1) *The person or entity has obtained copies of the Registry and each updated Registry from the Federal Trade Commission and has established and implemented written policies and procedures related to the requirements of the Act;*

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- 2) *The person or entity has trained its personnel in the requirements of the Act;*
 - 3) *The person or entity maintains records demonstrating compliance with Section 40(a)(1) and (a)(2) of the Act and the requirements of the Act; and*
 - 4) *Any subsequent telephone solicitation is the result of unintentional error.*
- b) *A person or entity that has entered into a contract with another person or entity to make telephone solicitations on its behalf is not liable for a violation of the Act by the person or entity making telephone solicitations under the contract if the person or entity on whose behalf the telephone solicitations were made has provided written notification to the person or entity making telephone solicitations under the contract that it is necessary to comply with the provisions of the Act when making telephone solicitations. (Section 40 of the Act [815 ILCS 402/40])*

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards of Service for Electric Utilities and Alternative Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 410
- 3) Section Number: 410.180 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 8-301, 8-302, 8-501, 9-201, 10-101, 10-107, 16-115(d)(4) and (e)(4), 16-115A(a)(i) and (b), 16-116(b), 16-123, and 17-300(b) of the Public Utilities Act [220 ILCS 5/8-301, 8-302, 8-501, 9-201, 10-101, 10-107, 16-115(d)(4) and (e)(4), 16-115A(a)(i) and (b), 16-116(b), 16-123, and 17-300(b)].
- 5) A Complete Description of the Subjects and Issues Involved: Existing language within Section 410.180 inadequately describes requirements associated with sample testing of electric meters. The proposed changes are to ensure that Illinois electric utilities consistently conduct adequate meter tests and take appropriate action when sample tests indicate that homogeneous groups of meters should be replaced. The proposed changes will: define the meter population from which the sample is to be taken as well as the sample testing schedule; include acceptable performance criterion for meters included in the sample, which must be used with the acceptable quality level to determine if a homogenous group passes or fails sample testing; specify the meter tests that must be performed on each meter that is included in a sample; and specify required actions utilities must take if homogeneous groups of meters fail sample testing.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 03-0658, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These proposed amendments will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting and record keeping
 - C) Types of professional skills necessary for compliance: Engineering skills
- 13) Regulatory Agenda on which this rulemaking was summarized: This proposed amendment was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 410

STANDARDS OF SERVICE FOR ELECTRIC UTILITIES AND ALTERNATIVE RETAIL
ELECTRIC SUPPLIERS

SUBPART A: GENERAL

Section	
410.10	Definitions
410.20	Application
410.30	Exemption or Modification
410.40	Complaints
410.45	Customer Call Centers

SUBPART B: ELECTRIC METERING STANDARDS

Section	
410.100	Application of Subpart B
410.110	Meter Records
410.120	Metering Service Requirements
410.130	Separate Metering
410.140	Testing Facilities and Equipment
410.150	Meter Accuracy Requirements
410.151	Installation and Removal of Lagged Demand Meters
410.155	Installation Inspections
410.160	Initial Tests
410.170	Accuracy Testing of Meters
410.180	Sample Testing Procedures
410.190	Meter Tests Requested by Customer
410.195	Meter Tests Requested by Entity

SUBPART C: CUSTOMER INFORMATION

Section	
410.200	Corrections and Adjustments for Meter Error
410.210	Information to Customers

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SUBPART D: ELECTRIC SERVICE STANDARDS

Section	
410.300	Voltage Regulation
410.310	Voltage Surveys
410.320	Standard Frequency
410.330	Service Connections

SUBPART E: EXTENSION OF LINES

Section	
410.400	Application of Subpart E
410.410	Extension Provisions

AUTHORITY: Implementing Sections 8-301, 8-302, 8-501, 9-201, 10-101, 10-107, 16-115(d)(4) and (e)(4), 16-115A(a)(i) and (b), 16-116(b), 16-123, and 17-300(b) of the Public Utilities Act [220 ILCS 5/8-301, 8-302, 8-501, 9-201, 10-101, 10-107, 16-115(d)(4) and (e)(4), 16-115A(a)(i) and (b), 16-116(b), 16-123, and 17-300(b)].

SOURCE: Effective August 1, 1948; amended at 5 Ill. Reg. 6805, effective June 12, 1981; codified at 8 Ill. Reg. 12183, amended at 10 Ill. Reg. 148, effective December 23, 1985; amended at 11 Ill. Reg. 8964, effective May 1, 1987; emergency amendment at 13 Ill. Reg. 16563, effective October 10, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 3454, effective March 1, 1990; amended at 16 Ill. Reg. 2544, effective February 1, 1992; amended at 19 Ill. Reg. 2804, effective April 1, 1995; emergency amendment at 22 Ill. Reg. 11215, effective June 10, 1998 for a maximum of 150 days; amended at 22 Ill. Reg. 20087, effective November 7, 1998; old Part repealed, new Part adopted at 24 Ill. Reg. 19097, effective December 15, 2000; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: ELECTRIC METERING STANDARDS

Section 410.180 Sample Testing Procedures

- a) An entity that chooses to use sample testing shall use the procedures prescribed in any of the following documents (alone or in combination) to sample test non-demand, self-contained single-phase or three-wire network meters.
 - 1) ANSI/ASQC Z1.4-1993 "Sampling Procedures and Tables for Inspection by Attributes", approved 1993, American Society for Quality Control, 611 East Wisconsin Avenue, Milwaukee, WI 53202. No later amendment or

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NOTICE OF PROPOSED AMENDMENT

editions are incorporated.

- 2) ANSI/ASQC Z1.9-1993 "Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming", approved 1993, American Society for Quality Control, 611 East Wisconsin Avenue, Milwaukee, WI 53202. No later amendment or editions are incorporated.
 - 3) Military Standard 414 "Sampling Procedures and Tables for Inspection by Variables", approved May 8, 1968, Defense Automation and Production Service, Building 4/D, 700 Robbins Avenue, Philadelphia, PA 19111-5094. No later amendment or editions are incorporated.
 - 4) Military Standard 105 "Sampling Procedures and Tables for Inspection by Attributes", approved May 10, 1989, Defense Automation and Production Service, Building 4/D, 700 Robbins Avenue, Philadelphia, PA 19111-5094. No later amendment or editions are incorporated.
 - 5) If, on December 15, 2000, an entity does not already use sample testing in accordance with subsection (a)(1) or (a)(2), the entity must begin to sample test in accordance with subsection (a)(1) or (a)(2), starting with the earlier of either the entity upgrading to a new sample testing tracking program or January 2010.
 - 6) If, on December 15, 2000, an entity does use sample testing in accordance with subsection (a)(1) or (a)(2), that entity shall continue to use a sample testing program in accordance with subsection (a)(1) or (a)(2).
- b) The entity shall divide the meter population into homogeneous groups consisting of meters of the same basic type and purpose. All meters within each homogeneous group shall be eligible for sampling each time a sample is taken. A sample shall be taken each calendar year from each homogeneous group, and testing shall be completed during the same calendar year.
 - c) The performance of a homogeneous group shall be considered acceptable when, after applying the performance criteria described in subsection (f) to each meter included in the sample, the sample achieves an acceptable quality level at least as stringent as 2.5%. A minimum acceptable quality level of 2.5% shall be adopted as part of each entity's sampling plan.
 - d) Each entity shall perform 100% testing on all used or remanufactured meters

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

purchased.

- e) Each entity using sample testing shall file a yearly report no later than March 31 of the following year with the Chief Clerk of the Commission and provide a copy to the Manager of the Energy Division or its successor detailing the sample plan used in the previous year, along with the results of the testing program.
- f) The performance of a meter that is tested as part of a sample shall be considered acceptable when its average percent registration, prior to any adjustment, is not less than 98% or more than 102%. The average percent registration for each meter shall be calculated as described in Section 410.150(d).
- g) All tests described in Section 410.150(a) shall be performed on all meters included in the sample, and all meters included in the sample shall be left adjusted so that the error shall not exceed the limits listed in Section 410.150(b).
- h) When an entity finds the performance of any homogeneous group to be unacceptable through sample testing, the entity shall perform corrective action on the group. Corrective actions outlined in this subsection shall be completed by the end of the second calendar year after the homogeneous group performance is initially found to be unacceptable. The corrective action shall consist of one of the following:
 - 1) Removal of a subgroup of problem meters from service so that the performance of the remaining meters in the group is found to be acceptable through subsequent sample testing; or
 - 2) Removal from service of all meters associated with the group.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part : Certification Requirements and Standards of Service for Meter Service Providers
- 2) Code Citation: 83 Ill. Adm. Code 460
- 3) Section Number: 460.410 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 16-108(a) of the Public Utilities Act [220 ILCS 5/16-108(a)].
- 5) A Complete Description of the Subjects and Issues Involved: Existing language within Section 460.410 inadequately describe requirements associated with sample testing of electric meters. The proposed changes are to ensure that Illinois meter service providers consistently conducts adequate meter tests and take appropriate action when sample tests indicate that homogeneous groups of meters should be replaced. The proposed changes will: define the meter population from which the sample is to be taken as well as the sample testing schedule; include acceptable performance criterion for meters included in the sample, which must be used with the acceptable quality level to determine if a homogenous group passes or fails sample testing; specify the meter tests that must be performed on each meter that is included in a sample; and specify required actions utilities must take if homogenous group of meters fail sample testing.
- 6) Will this proposed amendment replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendemnts pending on this Part? No
- 10) Statement of Statewide Policy Objective: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 03-0638, with

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217) 782-7434

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting and record keeping
 - C) Types of professional skills necessary for compliance: Engineering skills
- 13) Regulatory Agenda on which this rulemaking was summarized: This proposed amendment was not included on either of the 2 most recent agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 460
CERTIFICATION REQUIREMENTS AND STANDARDS OF SERVICE
FOR METER SERVICE PROVIDERS

SUBPART A: GENERAL PROVISIONS

Section

- 460.10 Definitions
- 460.15 Meter Service Components
- 460.20 Application
- 460.30 Requirements for Applicants
- 460.40 Required Filings and Procedures
- 460.50 Customer Records and Information
- 460.60 License or Permit Bond Requirements
- 460.70 Confidential Documentation
- 460.80 Penalties for Violations or Non-conformances

SUBPART B: REQUIREMENTS FOR CERTIFICATION

Section

- 460.100 Financial Qualifications
- 460.110 Technical Qualifications
- 460.120 Managerial Qualifications
- 460.130 Qualifications of Agents and Contractors

SUBPART C: PROCEDURES FOR REPORTING CONTINUING COMPLIANCE
WITH CERTIFICATION REQUIREMENTS

Section

- 460.200 General Provisions
- 460.210 Erroneous or Defective Reports
- 460.220 Certification of Compliance with Subparts D, E and F
- 460.230 Financial Reporting Requirements
- 460.240 Managerial Reporting Requirements
- 460.250 Technical Reporting Requirements

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SUBPART D: STANDARDS OF SERVICE

Section

- 460.300 Exemption or Modification
- 460.310 Complaints
- 460.320 Customer Call Centers
- 460.330 Meter Records
- 460.340 Metering Service Requirements
- 460.350 Separate Metering
- 460.360 Testing Facilities and Equipment
- 460.370 Meter Accuracy Requirements
- 460.380 Installation Inspections
- 460.390 Initial Tests
- 460.400 Accuracy Testing of Meters
- 460.410 Sample Testing Procedures
- 460.420 Meter Tests Requested by Customer
- 460.430 Meter Tests Requested by Entity
- 460.440 Corrections and Adjustments for Meter Error
- 460.450 Meter Tampering, Theft of Service, and Illegal Taps
- 460.460 Meter Reading and Meter Data Management
- 460.470 Retention of Related Records

SUBPART E: METER WORKER QUALIFICATIONS

Section

- 460.500 General Qualifications for Meter Workers
- 460.510 Illinois Class 1 Qualification
- 460.520 Illinois Class 2 Qualification
- 460.530 Illinois Class 3 Qualification

SUBPART F: SAFETY REQUIREMENTS

Section

- 460.600 Reports of Accidents
- 460.610 Site Inspections

AUTHORITY: Implementing and authorized by Section 16-108(a) of the Public Utilities Act [220 ILCS 5/16-108(a)].

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 24 Ill. Reg. 19052, effective December 15, 2000; amended at 28 Ill. Reg. _____, effective _____.

SUBPART D: STANDARDS OF SERVICE

Section 460.410 Sample Testing Procedures

- a) An MSP that chooses to use sample testing shall use the procedures prescribed in any of the following documents (alone or in combination) to sample test non-demand, self-contained single-phase or three-wire network meters.
 - 1) ANSI/ASQC Z1.4-1993 "Sampling Procedures and Tables for Inspection by Attributes", approved 1993, American Society for Quality Control, 611 East Wisconsin Avenue, Milwaukee WI 53202. No later amendment or editions are incorporated.
 - 2) ANSI/ASQC Z1.9-1993 "Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming", approved 1993, American Society for Quality Control, 611 East Wisconsin Avenue, Milwaukee WI 53202. No later amendment or editions are incorporated.
- b) The MSP shall divide the meter population into homogeneous groups consisting of meters of the same basic type and purpose. All meters within each homogeneous group shall be eligible for sampling each time a sample is taken. A sample shall be taken each year from each homogeneous group, and testing shall be completed during the same calendar year.
- c) The performance of a homogeneous group shall be considered acceptable when, after applying the performance criteria described in subsection (f) to each meter included in the sample, the sample achieves an acceptable quality level at least as stringent as 2.5%. A minimum acceptable quality level of 2.5% shall be adopted as part of each MSP's sampling plan.
- d) Each MSP shall perform 100% testing on all used or remanufactured meters purchased.
- e) Each MSP using sample testing shall file a yearly report no later than March 31 of the following year with the Chief Clerk of the Commission and provide a copy to the Manager of the Energy Division or its successor detailing the sample plan used in the previous year, along with the results of the testing program

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NOTICE OF PROPOSED AMENDMENT

- f) The performance of a meter that is tested as part of a sample shall be considered acceptable when its average percent registration, prior to any adjustment, is not less than 98% or more than 102%. The average percent registration for each meter shall be calculated as described in Section 460.370(d).
- g) All tests described in Section 460.370(a) shall be performed on all meters included in the sample, and all meters included in the sample shall be left adjusted so that the error shall not exceed the limits listed in Section 460.370(b).
- h) When an MSP finds the performance of any homogeneous group to be unacceptable through sample testing, the MSP shall perform corrective action on the group. Corrective actions outlined in this subsection shall be completed by the end of the second calendar year after the homogeneous group performance is initially found to be unacceptable. The corrective action shall consist of one of the following:
- 1) Removal of a subgroup of problem meters from service so that the performance of the remaining meters in the group is found to be acceptable through subsequent sample testing; or
 - 2) Removal from service of all meters associated with the group.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 676
- 3) Section Number: 676.110 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) A Complete Description of the Subjects and Issues involved: This proposed amendment is being proposed to insert language regarding Health Insurance Portability and Accountability Act (HIPAA).
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? no
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
(217) 785-9772
- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on the 2 most recent regulatory agendas because: On the January agenda we listed this rulemaking, however, many of the proposed changes have still not been finalized at this time, so we needed to at least submit the HIPAA changes in order to be in compliance.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAMPART 676
PROGRAM DESCRIPTION

SUBPART A: GENERAL PROGRAM PROVISIONS

Section

676.10	Program Purpose and Types
676.20	General Program Accessibility
676.30	Definitions
676.40	Service Description

SUBPART B: CASE MANAGEMENT

Section

676.100	Case Files (Repealed)
676.110	Sharing of Customer Information Between HSP and Other DHS Programs
676.120	Documentation of Information
676.130	Customer Signatures and Information Required to Receive Services Under the HSP
676.140	Application by DHS-ORS Employees, Individuals Holding Contracts with DHS, DHS-ORS Advisory Council Members, Family Members of DHS-ORS Employees, or Close Friends of DHS-ORS Employees
676.150	Geographic Case Assignment

SUBPART C: VENDOR PAYMENT

Section

676.200	Vendor Payment
676.210	Reporting and Collection of Misspent Funds

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DoA)

Section

676.300	Criteria for Referral to DoA
676.310	Disposition of Cases not Appropriate for Referral to DoA

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5095, effective March 21, 1995; amended at 20 Ill. Reg. 6315, effective April 18, 1996; amended at 21 Ill. Reg. 2678, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 19563, effective October 23, 1998; amended at 23 Ill. Reg. 6445, effective May 17, 1999; amended at 23 Ill. Reg. 13874, effective November 8, 1999; amended at 24 Ill. Reg. 2681, effective February 2, 2000; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: CASE MANAGEMENT

Section 676.110 Sharing of Customer Information Between HSP and Other DHS Programs

- a) All information received by DHS-ORS for the purpose of providing HSP services to a customer shall only be used for such purposes and may not be shared with any other program of DHS unless the individual consents to the release of such information and a release of information is signed by the customer authorizing the release.
- b) No information may be obtained from a case file of another program of DHS by HSP for the purposes of providing services to a customer unless the customer consents to the release of such information and a release of information is signed by the customer authorizing the release. DHS-ORS shall only release information pursuant to the Health Insurance Portability and Accountability Act (42 USC 1320(d) et seq.) and the regulations promulgated thereunder.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Customer Rights and Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code 677
- 3) Section Number: 677.30 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is being proposed to insert language regarding Health Insurance Portability and Accountability Act (HIPAA).
- 6) Will this amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
(217) 785-9772
- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: On the January 1, 2003 agenda we listed this rulemaking, however, many of the proposed changes have still not been finalized at this time, so we needed to at least submit the HIPAA changes in order to be in compliance.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 677
CUSTOMER RIGHTS AND RESPONSIBILITIES

SUBPART A: CUSTOMER RIGHTS

- Section
- 677.10 Assurance of Customer Rights
- 677.20 Nondiscrimination
- 677.30 Confidentiality of Information
- 677.40 Freedom of Choice
- 677.50 Referral
- 677.60 Application
- 677.70 Notice of Action
- 677.80 Appeal of an Action Taken by DHS
- 677.90 Repayment of Assistance

SUBPART B: CUSTOMER RESPONSIBILITIES

- Section
- 677.200 Consumer Responsibilities

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5056, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 5072, effective April 12, 1999.

SUBPART A: CUSTOMER RIGHTS

Section 677.30 Confidentiality of Information

All customer information maintained by DHS-ORS for the purposes of administering the funds available under the HSP is confidential and shall only be used for the purpose of the administration of HSP, pursuant to DHS' rules found at 89 Ill. Adm. Code 505 – Confidentiality and 89 Ill. Adm. Code 676.110.

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NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 23 Ill. Reg. 5072, effective April 12, 1999)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment
- 2) Code Citation: 89 Ill. Adm. Code 686
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
686.100	Amendment
686.200	Amendment
686.910	Amendment
686.1010	Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments are being proposed to insert language regarding Health Insurance Portability and Accountability Act (HIPAA).
- 6) Will these proposed amendments replace any emergency rulemaking currently in effect?
No
- 7) Do these proposed amendments contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these proposed amendments within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAMPART 686
PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

SUBPART A: PERSONAL ASSISTANTS

Section	
686.10	Personal Assistant (PA) Requirements
686.20	Services Which May Be Provided by a PA
686.25	Criminal Background Check
686.30	Annual Review of PA Performance
686.40	Payment for PA Services

SUBPART B: ADULT DAY CARE PROVIDERS

Section	
686.100	Adult Day Care (ADC) Provider Requirements
686.110	Services Which Must Be Provided by ADC Providers
686.120	Compliance Review of ADC Providers
686.130	Appeal of Compliance Review for ADC Providers
686.140	Payment for ADC Services

SUBPART C: HOMEMAKER SERVICES

Section	
686.200	Homemaker Service Provider Requirements
686.210	Services Which Must Be Provided by Homemaker Agencies
686.220	Compliance Review of Homemaker Agencies
686.230	Appeal of Compliance Review for Homemaker Agencies
686.240	Payment for Homemaker Services
686.250	Financial Reporting of Homemaker Services
686.260	Unallowable Costs for Homemaker Service
686.270	Minimum Direct Service Worker Costs for Homemaker Services
686.280	Cost Categories for Homemaker Services

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

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Section

- 686.300 Electronic Home Response Services (EHRS) Provider Requirements
- 686.310 Services Which Must Be Provided by EHRS Providers
- 686.320 Minimum Specifications for EHRS Equipment
- 686.330 Compliance Review of EHRS Providers
- 686.340 Appeal of Compliance Review for EHRS Providers
- 686.350 Rate of Payment for EHRS Services

SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section

- 686.400 Maintenance Home Health Provider Requirements
- 686.410 Rate of Payment for Maintenance Home Health Services

SUBPART F: HOME DELIVERED MEALS

Section

- 686.500 Home Delivered Meals Provider Requirements
- 686.510 Rate of Payment for Home Delivered Meals

SUBPART G: ENVIRONMENTAL MODIFICATION

- 686.600 Environmental Modification Provider Requirements
- 686.610 Cost of Environmental Modification
- 686.620 Permanency of Environmental Modification
- 686.630 Reason for Denial of Environmental Modification
- 686.640 Verification of Environmental Modification

SUBPART H: ASSISTIVE EQUIPMENT

Section

- 686.700 Assistive Equipment Provider Requirements
- 686.710 Provision of Assistive Equipment
- 686.720 Verification of Receipt of Assistive Equipment

SUBPART I: RESPITE CARE

Section

- 686.800 Respite Care Provider Requirements

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SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section

- 686.900 Program Overview
- 686.910 Case Management Provider Responsibilities
- 686.920 Provider Staffing Requirements, Qualifications, and Training
- 686.930 Monitoring and Liability of Provider
- 686.940 Provider Compliance Requirements

SUBPART K: CASE MANAGEMENT SERVICES TO PERSONS WITH BRAIN INJURIES

Section

- 686.1000 Program Overview
- 686.1010 Case Management Provider Responsibilities
- 686.1020 Case Manager Staffing Requirements, Qualifications and Training
- 686.1025 Provisional Case Manager
- 686.1030 Monitoring and Liability
- 686.1040 Provider Compliance Requirements

SUBPART L: BEHAVIORAL SERVICES FOR PERSONS WITH BRAIN INJURIES

Section

- 686.1100 Behavioral Services Provider Requirements
- 686.1110 Rate of Payment for Behavioral Services

SUBPART M: DAY HABILITATION SERVICES FOR PERSONS WITH BRAIN INJURIES

Section

- 686.1200 Day Habilitation Services Provider Requirements
- 686.1210 Rate of Payment for Day Habilitation Services

SUBPART N: PREVOCATIONAL SERVICES FOR PERSONS WITH BRAIN INJURIES

Section

- 686.1300 Prevocational Services Provider Requirements
- 686.1310 Rate of Payment for Prevocational Services

SUBPART O: SUPPORTED EMPLOYMENT SERVICES
FOR PERSONS WITH BRAIN INJURIES

DEPARTMENT OF HUMAN SERVICES

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Section

686.1400 Supported Employment Service Provider Requirements
686.1410 Rate of Pay for Supported Employment Services

686.APPENDIX A Acceptable Human Service Degrees

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18945, effective October 1, 1998; amended at 22 Ill. Reg. 19262, effective October 1, 1998; amended at 23 Ill. Reg. 499, effective December 22, 1998; amended at 23 Ill. Reg. 6457, effective May 17, 1999; amended at 24 Ill. Reg. 7501, effective May 6, 2000; amended at 24 Ill. Reg. 10212, effective July 1, 2000; amended at 24 Ill. Reg. 18174, effective November 30, 2000; amended at 25 Ill. Reg. 6282, effective May 15, 2001; amended at 26 Ill. Reg. 3994, effective February 28, 2002; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: ADULT DAY CARE PROVIDERS

Section 686.100 Adult Day Care (ADC) Provider Requirements

Adult Day Care Providers must either be approved by DHS or by the Illinois Department on Aging (DoA) pursuant to DoA's rules found at 89 Ill. Adm. Code 240, with the exception that the term "the elderly" in 89 Ill. Adm. Code 240.1560(a)(1)(A)(ii) and (a)(2)(A)(ii) should be replaced with the term "individuals with disabilities". In order to be approved as an ADC Provider by DHS, the ADC Provider must meet all of the conditions specified by DoA, as cited above, and:

- a) employ a full-time program director;
- b) employ the equivalent of a full-time program coordinator/director;
- c) employ a program nurse who is on duty at least a portion of every standard business day;
- d) employ a nutrition staff;
- e) comply with the provisions of:

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- 1) Section 504 of the Rehabilitation Act of 1973 (29 ~~USC U.S.C.~~ 12101), as amended;
 - 2) the Illinois Human Rights Act [775 ILCS 5];
 - 3) the Illinois Accessibility Code (71 Ill. Adm. Code 400); ~~and~~
 - 4) the Americans with Disabilities Act (42 ~~USC U.S.C.~~ 12101, et seq.); ~~and~~
 - 5) the Health Insurance Portability and Accountability Act (42 USC 1320(d) et seq.);
- f) record the administration of all prescribed medications for those customers served through HSP who are unable to self-administer medication as documented by a physician licensed pursuant to the Medical Practice Act [225 ILCS 60], a registered nurse licensed pursuant to the ~~Illinois-Nursing~~ and Advanced Practice Nursing Act ~~of 1987~~ [225 ILCS 65], or as documented in the individual's Service Plan (IL 488-1049) (89 Ill. Adm. Code 676.30);
 - g) provide DHS with a record of the amount of pre-service training each employee has had;
 - h) require, and provide DHS documentation of, at least 12 hours of in-service training for each staff person each fiscal year;
 - i) successfully complete an Adult Day Care Provider Review pursuant to Section 686.120;
 - j) agree to and sign an Adult Day Care Provider Rate Agreement;
 - k) maintain adequate records for planning, budgeting, administration and program evaluation and planning. These records shall be available to DHS and the United States Department of Health and Human Services (HHS), or any entity designated by DHS or HHS, and shall be maintained for a period of at least 5 years or until advised that all State and federal audits are completed. These records must include, but not be limited to:
 - 1) records of all referrals, including the disposition of each referral;

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- 2) all customer records;
- 3) administrative records, including:
 - A) service statistics; and
 - B) billing and payment records;
- 4) personnel records, including:
 - A) schedules and attendance records for staff and volunteers;
 - B) training records for staff and volunteers;
 - C) annual performance evaluations for all staff and, as appropriate, all volunteers; and
- l) have an Affirmative Action Plan in place which is approved by its governing body.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SUBPART C: HOMEMAKER SERVICES

Section 686.200 Homemaker Service Provider Requirements

- a) Only those vendors with approved Homemaker Agreements may be used to provide Homemaker Services to individuals being served through Home Services Program (HSP).
- b) In order to be approved by DHS, the Homemaker Agency must comply with the following, to the satisfaction of DHS:
 - 1) provide a comprehensive array of services which include, but are not limited to, those services described in Section 686.210;
 - 2) assure DHS that all referrals will be responded to within 48 hours after receipt from DHS;
 - 3) have written billing procedures and provide a copy to DHS as part of the

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compliance review;

- 4) have documented procedures to cover unexpected absences and emergencies to ensure services will be provided in an adequate and safe manner to all individuals served by the agency;
- 5) have written procedures to respond to customer and counselor complaints regarding services;
- 6) maintain comprehensive written job descriptions for, at a minimum, the positions of Executive Director/Administrator, supervisory staff, and direct service providers;
- 7) have established a local presence to ensure regular and on-going contact with DHS and other appropriate community groups;
- 8) have procedures for regular and on-going recruitment of direct service providers through local resources;
- 9) be either incorporated or provide DHS with a copy of a written statement of purpose and function;
- 10) maintain adequate records for planning, budgeting, administration and program evaluation and planning. These records shall be available at all times to DHS and the United States Department of Health and Human Services (HHS), or any entity designated by DHS or HHS, and shall be maintained for a period of at least 5 years, or until advised that all State and federal audits are completed. These records must include, but not be limited to:
 - A) records of all referrals, including the disposition of each referral;
 - B) customer records, which include:
 - i) dates and times services were provided to each individual;
 - ii) dates and times of supervisor-homemaker weekly conferences;
 - iii) semi-annual reports of supervisory visits with each

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customer served;

- iv) monthly service reports for each customer served that document a summary of services, actual or anticipated changes in the customer's condition, recommended changes in the current HSP Service Plan, and all customer contacts;
- v) records of all staffings held pertaining to the customer;
- vi) records of all financial transactions between the customer and any agency employee;

C) administrative records, which include:

- i) cumulative service statistics pertaining to any agreement with DHS;
- ii) billing and payment records which pertain to DHS;

D) personnel records, which include:

- i) attendance records;
- ii) schedules for all direct service staff;
- iii) documentation regarding each individual's qualification for the position held;
- iv) wage rate and effective date for each staff member;
- v) job performance evaluations for each staff person that include annual evaluations and at least one probationary evaluation completed within the first six months of employment;
- vi) orientation and training attendance information for each staff member, which must include the name of each instructor, the date, the time and the title of each training program attended; and

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- vii) verification of liability insurance in the amounts of at least \$15,000 per person bodily injury, \$30,000 minimum per occurrence, and \$10,000 in property damage, per occurrence, if the employee will or could be expected to transport customers in the course of his/her work;
- 11) maintain insurance coverage against any and all liability, loss, damage and/or expense from wrongful or negligent acts of the agency or any of its employees and provide DHS with written verification of such coverage;
 - 12) maintain written procedures on reporting loss and damage arising from the wrongful or negligent acts of the agency or any of its employees;
 - 13) agree to hold harmless DHS against any and all liability, loss, damage, cost, or expense arising from wrongful or negligent acts of the agency or any of its employees;
 - 14) assist DHS in monitoring and evaluating the agency's performance under any agreement with DHS;
 - 15) maintain any and all information regarding individuals referred to the agency by DHS as confidential and not for public release without the written consent of DHS and the customer;
 - 16) maintain and have available for review by customers and purchasers of services policies governing:
 - A) the nature and scope of each service provided by the agency;
 - B) a two-way receipt system for any time an employee of the agency handles an individual's money, food stamps or other negotiable items or tender;
 - C) personnel policies governing salary, leave time, hours of work, employee grievance procedures, and attendance at in and out-service trainings; and
 - 17) have in place an Affirmative Action Plan which is approved by its governing body.

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- c) At a minimum, each Homemaker Agency must employ qualified staff in the positions of:
- 1) Executive Director or Administrator for each local unit providing services, who is responsible for the administration of the Homemaker Services program and who, at a minimum, has or is making continued progress towards:
 - A) a Bachelor's degree in health, human services, or a related field;
 - B) licensure as a Registered Nurse pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65];
 - C) certification as a home health care administrator, medical clinic administrator, or other health services administrator; or
 - D) one year of related job experience in social services or in a health agency to replace each year of education required in subsections (c)(1)(A) through (C), provided that at least 1 year of experience was in a program that provides services to individuals with disabilities.

For the purposes of subsections (c)(1)(A) through (C) "continued progress" shall mean current registration and evidence of successful completion of course work in an accredited junior college, college, or university for a minimum of 2 semesters or 3 quarters of each academic year. Successful completion shall mean a grade of at least "C" in undergraduate course work or a grade of "B" in graduate course work;
 - 2) Supervisors, in a ratio of no less than the equivalent of 1 full-time supervisor to the equivalent of every 20 full-time direct service providers, who is responsible for the supervision of direct service staff and who, at a minimum, has:
 - A) a Bachelor's degree with course work in social science, home economics, or nursing;
 - B) knowledge and skill equivalent to completion of a Bachelor's degree, as described in subsection (c)(1)(A); or

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- C) a high school diploma or its equivalent plus health service experience including at least 2 years supervisory experience;
- 3) direct service providers who have:
- A) been determined to be in good health;
 - B) knowledge and skill equivalent to a high school diploma;
 - C) experience as a homemaker, either in his/her own home or through employment; and
 - D) knowledge of:
 - i) nursing care;
 - ii) first aid;
 - iii) personal and environmental hygiene;
 - iv) household budgeting;
 - v) housekeeping;
 - vi) nutrition;
 - vii) food preparation; and
 - viii) clothing care.
- d) Each supervisor and direct service provider must, at a minimum, participate in the following training programs:
- 1) Orientation, which shall include:
 - A) the philosophy and purpose of homemaker services; and
 - B) the functions of homemaker services;
 - 2) In-service training, directed at increasing the direct service provider's

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knowledge and skills, of not less than 12 hours each year in areas including:

- A) disability awareness; and
 - B) Acquired Immunodeficiency Syndrome (AIDS).
- e) The Homemaker Agency shall have a written policy and procedures governing a self-evaluation process to evaluate services and case management with an outcome of written recommendations to the governing body of the agency to improve the services the agency provides.
- f) The Homemaker agency shall abide by provisions of the following federal and State laws and regulations regarding employment practices and compliance:
- 1) Title VI of the Civil Rights Act of 1964 (42 USC 2000d);
 - 2) Section 504 of the Rehabilitation Act of 1973 (29 USC 794);
 - 3) the Americans with Disabilities Act (42 USC 12101);
 - 4) the Illinois Human Rights Act [775 ILCS 5]; ~~and~~
 - 5) the Health Care Worker's Background Check Act [225 ILCS 46]; ~~and-~~
 - 6) the Health Insurance Portability and Accountability Act (42 USC 1320(d) et seq.).

Further, the agency shall provide DHS with a letter certifying compliance with the provisions of the laws listed in this subsection (f) and a copy of the Affirmative Action Plan for the agency.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section 686.910 Case Management Provider Responsibilities

- a) Case Management

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- 1) The case management agency (hereafter referred to as provider) shall receive customer referrals from hospitals, the Illinois Department of Public Health's AIDS Hotline, HSP AIDS Unit, other State and local agencies, and other referral services (e.g., doctors and individuals). The provider shall assign a case manager to each customer.
 - 2) The case manager shall have full responsibility for the determination of eligibility, including assessment, development of plans of care, and arrangement and implementation of services to be provided. There shall be two levels of case managers: provisional case managers and case managers. Provisional case managers are those who have not achieved a competency score of 98% or greater for the on-site case reviews done by the HSP AIDS unit, per Section 686.930(d). Assessments, service plans and reassessments completed by case managers may be implemented without consultation with the HSP AIDS Unit. Provisional case managers shall submit all developed plans to the HSP AIDS Unit for approval. Approval of the plan will be based on a review to determine that: the Determination of Need Assessment on which the plan is developed is complete and accurate; the plan meets the needs identified by the assessment; the plan does not place the customer's health and safety at risk; the plan is cost effective compared to comparable institutional care; and the plan has been approved by the customer's physician.
 - 3) The case manager shall have the option of using a Registered Nurse to review and advise the case manager on the health aspects of the assessment and reassessment and to act as a liaison with hospital discharge planner, physician, home health agencies and other medical provider agencies.
- b) The case manager shall provide the following services:
- 1) initial assessment of eligibility and information gathering (89 Ill. Adm. Code 682);
 - 2) development of a care plan and implementation (89 Ill. Adm. Code 684);
 - 3) reassessment of level of care at least every six months for those cases in formal eligibility, three months for those cases that have been presumptively determined eligible for interim services (89 Ill. Adm. Code 684.80), or at such time when the customer's financial or physical

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condition or need for services changes;

- 4) networking/coordination/brokering services (i.e., referring and assisting the customer in obtaining other agencies' services);
- 5) assisting the customer when personal assistance problems develop. Documentation of these problems and the case management team's responses will be kept in the customer's case file;
- 6) counseling and advocacy;
- 7) acting as inter-agency liaison (e.g., with other DHS programs, vendors, hospitals);
- 8) contacting customer a minimum of three times per month, one contact being a face-to-face visit;
- 9) maintaining and updating customer records; and
- 10) monitoring the cost effectiveness of the service plan (89 Ill. Adm. Code 679.50).

c) Eligibility for AIDS Waiver

- 1) Within 10 working days (exceptions being 2 working days for prescreening referrals from cooperating hospitals for interim/emergency services, 5 working days for all other prescreening for interim/emergency services) after receipt of a referral, the case manager shall complete an individual's eligibility determination for the AIDS Waiver program.
- 2) The case manager shall determine customer eligibility for the AIDS Waiver by completing an assessment from a home visit or while the applicant is hospitalized (89 Ill. Adm. Code 682). To determine customer eligibility, the case manager will utilize the HSP Determination of Need Assessment (89 Ill. Adm. Code 682).
- 3) The case manager shall assess the customer's limitations in activities of daily living (ADLs) (e.g., cooking, bathing, shopping) and what resources are available to assist the customer in performing the ADLs (89 Ill. Adm. Code 682).

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- 4) Notice of eligibility must be mailed to the HSP AIDS Unit within ten working days after the date on which a completed application is received by the case management contracting agency.
- d) The case manager will provide a case action notice to each customer informing him or her of the eligibility determination, of all rights and responsibilities under the case management program, including the customer's right to request an appeal, the appeals procedures promulgated by the Department, the right to receive assistance in filing the request for appeal and information about the services of the Client Assistance Program (CAP) and how to reach CAP.
- e) Service Plan
 - 1) If the assessment demonstrates the need for intermediate care facility (ICF), skilled nursing facility (SNF), or hospital care because of the disability of AIDS/HIV, the case manager shall develop a service plan that will allow the customer to live at home (89 Ill. Adm. Code 684.70).
 - 2) The service plan will be retained during the time the case is opened and for five years after closure, unless an audit exception has occurred. In the case of an audit exception, the service plan will be retained until the audit exception has been resolved. Copies of the service plan will be maintained in the case management team's locations and the HSP AIDS Unit. Closed cases will be retained in the HSP Central Office.
 - 3) The service plan shall be approved by the customer's physician. If the plan is not approved by the customer's physician, it cannot be implemented and the customer cannot be served under the AIDS Waiver.
 - 4) If implementation of services is delayed beyond required time limits in subsection (c) of this Section, the case manager must inform the HSP AIDS Unit and assist the customer to obtain an alternative provider.
- f) Records of contact with the customer will be entered and maintained in the customer's confidential case records. All contacts, verbal or written, with or on behalf of a customer shall be documented in a confidential case record. The case manager is responsible for obtaining consents for the release of information as necessary and when required by law or regulation (Confidentiality of Records in 42 USC 290dd-2, the AIDS Confidentiality Act [410 ILCS 305]; ~~and~~ 89 Ill. Adm. |

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Code 505, Confidentiality of Information) and the Health Insurance Portability and Accountability Act (42 USC 1320(d) et seq.).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SUBPART K: CASE MANAGEMENT SERVICES TO PERSONS WITH BRAIN INJURIES

Section 686.1010 Case Management Provider Responsibilities

- a) Case Managers
 - 1) The Case Manager shall receive referrals from hospitals, other health providers, and other State and local agencies.
 - 2) The Case Manager shall have full responsibility for determining eligibility, including assessment, development of service plans, and arrangement and implementation of services to be provided.
- b) The Case Manager shall provide the following services:
 - 1) initial assessment of eligibility and information gathering (89 Ill. Adm. Code 682);
 - 2) development of a care plan and implementation (89 Ill. Adm. Code 684);
 - 3) reassessment of the level of care at least every six months or at such time when the customer's financial, disabling condition or need for services circumstance changes;
 - 4) networking/coordination/brokering services (i.e., referring and assisting the customer in obtaining other agencies' services);
 - 5) counseling and advocacy;
 - 6) contacting the customer a minimum of one time per month;
 - 7) maintaining and updating customer records; and
 - 8) monitoring the cost effectiveness of the service plan (89 Ill. Adm. Code 679.50).

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- c) Eligibility for the Brain Injury Waiver
 - 1) After receipt of a referral, the Case Manager shall complete an individual's eligibility determination for the Medicaid Waiver for Persons with a Brain Injury within the following timeframes:
 - A) 2 working days for prescreening referral from cooperating hospitals for interim/emergency services;
 - B) 5 working days for all other prescreening for interim/emergency services); and
 - C) 10 working days for an eligibility referral.
 - 2) The Case Manager shall determine customer eligibility for the Brain Injured Waiver by completing an assessment from a home visit or while the customer is hospitalized (89 Ill. Adm. Code 682). To determine customer eligibility, the Case Manager will use the HSP Determination of Need Assessment (89 Ill. Adm. Code 682).
 - 3) The Case Manager shall assess the customer's limitations in activities of daily living (ADLs) (e.g., cooking, bathing, shopping) and the resources available to assist the customer in performing the ADLs (89 Ill. Adm. Code 682).
- d) The Case Manager will provide a case action notice to each customer informing him or her of the eligibility determination, of all rights and responsibilities under the case management program, including the customer's right to request an appeal, the appeals procedures promulgated by the Department, the right to receive assistance in filing the request for appeal and information about the services of the Client Assistance Program (CAP) and how to reach CAP. The determination notice must be mailed to the HSP office within 10 working days after the date on which a completed application is received by the Case Manager.
- e) Service Plan
 - 1) If the assessment demonstrates the customer is at risk of unnecessary or premature placement in an institution because of his/her brain injury, the Case Manager shall develop a service plan that will allow the customer to

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live at home (89 Ill. Adm. Code 684.70).

- 2) The service plan will be retained during the time the case is opened and for five years after closure, unless an audit exception has occurred. In the case of an audit exception, the service plan will be retained until the audit exception has been resolved. Copies of the service plan will be maintained in the Case Manager's location and the HSP office. Closed cases will be retained in the HSP Central Office.
 - 3) The service plan shall be approved and signed by the customer's physician or neuro-psychologist. If the plan is not approved by the customer's physician or neuro-psychologist, it cannot be implemented and the customer cannot be served under the Brain Injured Waiver.
 - 4) If implementation of services is delayed beyond required time limits in subsection (c) of this Section, the Case Manager must inform the HSP administration and assist the customer in obtaining another provider.
- f) Records of contact with customer will be entered and maintained by the Case Manager in the customer's confidential case record. All contacts, oral or written, with or on behalf of a customer shall be documented in a confidential case record. The Case Manager is responsible for obtaining consents for the release of information as necessary and when required by regulation (89 Ill. Adm. Code 505) and the Health Insurance Portability and Accountability Act (42 USC 1320(d) et seq.).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.336 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: For purposes of medical assistance eligibility determinations, currently Social Security Administration and Veteran's Educational Benefits are exempt from consideration to the extent they are applied to expenses related to education. Under the proposed rulemaking, SSA and VA educational benefits will be totally exempt from consideration. The proposed changes are permitted under Section 1902(r)(2) of the Social Security Act.

This proposed changes will align cash and medical policy with food stamp policy. The changes will benefit medical assistance clients, simplify eligibility determinations, and result in only a minimal cost to the Department.

- 6) Will this proposed amendment replace any emergency amendments currently in effect?
No
- 7) Does this proposed amendment contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.32	Amendment	July 18, 2003 (27 Ill. Reg. 10628)
120.520	Amendment	July 18, 2003 (27 Ill. Reg. 10628)

- 10) Statement of Statewide Policy Objective: This proposed amendment does not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

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

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS
SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

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Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)

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120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and

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- Obtaining Medical Support
- 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
- 120.324 Health Insurance Premium Payment (HIPP) Program
- 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
- 120.326 Foster Care Program
- 120.327 Social Security Numbers
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Child Support and Spousal Maintenance Payments
- 120.345 Earmarked Income
- 120.346 Medicaid Qualifying Trusts
- 120.347 Treatment of Trusts
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.363 Earned Income Disregard – MANG(C)
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Provisions for the Prevention of Spousal Impoverishment
- 120.380 Assets
- 120.381 Exempt Assets
- 120.382 Asset Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spend-down of Assets (AABD MANG)
- 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
- 120.386 Property Transfers Occurring On or Before August 10, 1993
- 120.387 Property Transfers Occurring On or After August 11, 1993

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120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG (Repealed)
120.399	Redetermination of Eligibility
120.400	Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

120.500	Health Benefits for Persons with Breast or Cervical Cancer
120.510	Health Benefits for Workers with Disabilities
120.520	SeniorCare

120.TABLE A	Value of a Life Estate and Remainder Interest
120.TABLE B	Life Expectancy

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

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency

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amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective

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October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at

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16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days.

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.336 Education Benefits

- a) Those portions of the following education benefits that are actually used for items such as tuition, books, fees, equipment, transportation and child care expenses

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necessary for school attendance shall be exempt.

- 1) Veterans Educational Assistance
Income from educational benefits paid to a veteran or to a dependent of a veteran shall be exempt to the extent that it is applied toward educational expenses.
 - 2) Social Security Administration Benefits
Income received as an SSA benefit paid to or for an individual and conditioned upon the individual's regular attendance in a school, college or university, or a course of vocational or technical learning, shall be exempt to the extent that it is applied toward educational expenses.
- b) All other education grants and loans are totally exempt.

(Source: Amended at 26 Ill. Reg. 9843, effective June 26, 2002)

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- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1501.501	Amendment
1501.520	Amendment
1501.523	New Section
- 4) Statutory Authority: 110 ILCS 805/2-12
- 5) Effective Date of Amendments: October 31, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do the amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 15, 2002; 26 IL Reg. 16691 and November 22, 2002; 26 IL Reg 16892
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1501.501, the rulemaking incorrectly stated 48 public community "college districts". The proposed amendment was changed to state 48 public community "colleges".

In Section 1501.520(h), the proposed rulemaking incorrectly stated that scholarship funds may be awarded for three successive semesters. The language of the proposed amendment was changed to state that scholarship funds may be awarded for the fall and spring semesters of two successive years to clarify the intent of the revision.

As noted in #9 above, two proposed rulemakings were combined for this one adopted rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.

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- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

Sections 1501.501 and 1501.520: The proposed changes are needed to identify the requirements that students must meet for scholarship eligibility and more clearly define the roles and responsibilities of the colleges to receive reimbursements. In addition, these rules changes were presented to address a shortfall in funding for this program and to facilitate decisions regarding student scholarships.

Section 1501.523: Legislation was passed in the spring of 1999 that allows community college foundations to request a State matching grant of \$2 for every \$3 received in local funds if appropriated funds become available. The Illinois Community College Board received an appropriation to disburse challenge grants to Illinois community college foundations during fiscal year 2002. However, the appropriation was subsequently reduced to zero in the November 2001 appropriation reductions. No funds are currently available, and no funds were included in fiscal year 2003. Should funds become available in the future, rules must be in place before applications may be received and funds distributed.

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

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield, Illinois 62701-1711
(217) 785-0053

The full text of the adopted amendments begins on the next page:

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

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section

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

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section

- 1501.201 Reporting Requirements
- 1501.202 Certification of Organization
- 1501.203 Delineation of Responsibilities
- 1501.204 Maintenance of Documents or Information
- 1501.205 Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section

- 1501.301 Definition of Terms
- 1501.302 Units of Instruction, Research, and Public Service
- 1501.303 Program Requirements

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1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS

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

SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Nonresident Student Tuition Calculations
1501.506	Published Financial Statements
1501.507	Credit Hour Claims
1501.508	Special Populations Grants (Repealed)
1501.509	Workforce Preparation Grants (Repealed)
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grant Grants (Repealed)
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants (Repealed)
1501.518	Uncollectible Debts
<u>1501.519</u>	<u>Special Initiative Grants</u>
1501.520	Lincoln's Challenge Scholarship Grants
1501.521	Technology Enhancement Grants
1501.522	Deferred Maintenance Grants (Repealed)

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1501.523 Foundation Matching Grants

SUBPART F: CAPITAL PROJECTS

Section

1501.601	Definition of Terms
1501.602	Approval of Capital Projects
1501.603	State Funded Capital Projects
1501.604	Locally Funded Capital Projects
1501.605	Project Changes
1501.606	Progress Reports (Repealed)
1501.607	Reporting Requirements
1501.608	Approval of Projects in Section 3-20.3.01 of the Act
1501.609	Completion of Projects Under Section 3-20.3.01 of the Act
1501.610	Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

Section

1501.701	<u>Definition</u> Definitions of Terms
1501.702	Applicability
1501.703	Recognition
1501.704	Programs
1501.705	Finance
1501.706	Personnel
1501.707	Facilities

SUBPART H: PERSONNEL

Section

1501.801	Definition of Terms
1501.802	Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150

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days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective December 21, 1999; amended at 24 Ill. Reg. 17522, effective November 20, 2000; amended at 25 Ill. Reg. 7161, effective May 18, 2001; emergency amendment at 25 Ill. Reg. 12863, effective September 28, 2001, for a maximum of 150 days; emergency expired February 24, 2002; amended at 26 Ill. Reg. 646, effective January 7, 2002; amended at 27 Ill. Reg. 17204, effective October 31, 2003.

SUBPART E: FINANCE

Section 1501.501 Definition of Terms

Annual Financial Statement. The "annual financial statement," which is required to be published by a district, consists of two parts:

an annual financial report, which includes a statement of revenues and expenditures along with other basic financial data; and

an annual program report, which provides a narrative description of programs offered, goals of the district, and student and staff data.

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Attendance at Mid-Term. A student is "in attendance at mid-term" in a course if the student is currently enrolled in and actively pursuing completion of the course.

Auditor. An auditor is a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records prior to the end-of-registration date of the college for that particular term.

Capital Renewal Grants. Capital renewal grants are State grants allocated proportionally to each community college district based on the latest fall on-campus nonresidential gross square feet of facilities as reported to the ICCB. Such grants are to be utilized for miscellaneous capital improvements such as rehabilitation, remodeling, improvement, and repair; architect/engineer services; supplies, fixed equipment, and materials; and all other expenses required to complete the work.

Lincoln's Challenge Scholarship Grants. The Lincoln's Challenge Program is administered by the Illinois Department of Military Affairs. Upon successful completion of that program, students qualify for a scholarship to a community college. The Lincoln's Challenge Scholarship Grant is a special appropriation received by the ICCB from the Governor and the General Assembly. These scholarships provide an opportunity for graduates of Lincoln's Challenge to transition easily into higher education by enrolling in one of the ~~4840 public community colleges-college districts in which the student resides~~. The scholarship grants can be used to cover the cost of education, ~~which that~~ includes tuition, books, fees and required educational supplies.

Residency – Applicability – Verification of Status. As part of verification that its credit hours are eligible to receive ICCB grants, each community college district shall adopt a process for verifying the residency status of its students and shall file a description of this process with the ICCB by July 1, 1990. The process shall include the methods for verifying residency as defined in the general provisions, special State provisions, and district provisions of this Section. Each district shall file descriptions of any revisions to its process with the ICCB prior to their implementation.

Residency – General Provisions. The following provisions apply both to State and district residency definitions:

To be classified as a resident of the State of Illinois or of the community

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college district, each student shall have occupied a dwelling within the State or district for at least 30 days immediately prior to the date established by the district for classes to begin.

The district shall maintain documentation verifying State or district residency of students.

Students occupying a dwelling in the State or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or more.

Students who move from outside the State or district and who obtain residence in the State or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate through documentation a verifiable interest in establishing permanent residency.

Residency – District Provisions. Students shall not be classified as residents of the district where attending even though they may have met the general 30-day residency provision if they are:

federal job corps workers stationed in the district;

inmates of State or federal correctional/rehabilitation institutions located in the district;

full-time students attending a postsecondary educational institution in the district who have not demonstrated through documentation a verifiable interest in establishing permanent residency; and

students attending under the provisions of a chargeback or contractual agreement with another community college.

Residency – Special State Provisions. Students shall be classified as residents of the State without meeting the general 30-day residency provision if they are:

federal job corps workers stationed in Illinois;

members of the armed services stationed in Illinois;

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inmates of State correctional/rehabilitation institutions located in Illinois;
or

employed full time in Illinois.

Special Initiatives Grants. Special initiatives grants provide funds for conducting special initiatives activities.

Special Initiatives Activities. Special initiatives activities are defined each year in a request for proposal process. All colleges will have the opportunity to apply for funds to conduct such approved special initiatives activities. Special initiatives activities are based upon criteria as specified in terms outlined in a grant agreement between the college and the ICCB.

(Source: Amended at 27 Ill. Reg. 17204, effective October 31, 2003)

Section 1501.520 Lincoln's Challenge Scholarship Grants

- a) Lincoln's Challenge Scholarship Grants shall be vouchered to community colleges.
- b) Students can qualify for their first Lincoln's Challenge Scholarship Grant if they meet the following criteria:
 - 1) Complete the Lincoln's Challenge program;
 - 2) Complete the GED;
 - 3) Enroll at one of the 4849 Illinois public community colleges in a certificate or degree program the next semester following graduation (For example, the June Lincoln's Challenge graduates would have to enroll in college by the fall semester.)~~within one year after graduation from the Lincoln's Challenge Program;~~
 - 4) Carry an academic load of at least six credit hours in each fall and spring semester. Scholarships for the summer semester will not be awarded~~term except the summer term;~~ and
 - 5) Present the "notification of award" letter signed by the President/CEO of the Illinois Community College Board to the community college at the

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time of registration.

- c) The scholarship ~~amount will be awarded up to is limited to~~ \$1,000 per student per semester, ~~with the exception of the summer semester which is limited to \$500 per student.~~
- d) The scholarship ~~grants can be used shall be applied only to~~ cover the cost of ~~education, which includes~~ tuition, books, fees, and required educational supplies.
- e) The grant will only reimburse the college at the in-district tuition rate.
- f) In order to receive the reimbursement, colleges must submit ~~vouchers during the semester the student is enrolled or payment cannot be guaranteed. The following information must be submitted to the ICCB for each student the following information for each student:~~
 - 1) Name;
 - 2) Social Security Number;
 - 3) Program of study;
 - 4) Course Schedule (including credit hours);
 - 5) ~~Costs Bill with costs~~ broken out by tuition, fees, books, and ~~required~~ educational supplies; and
 - 6) ~~ICCB initial or renewal approval letters. If a renewal,~~ GPA and course completions from ~~the~~ previous semester ~~are required—if continuing student.~~
- g) In order to remain qualified for a Lincoln's Challenge Scholarship ~~Grant-Grants~~, each student must:
 - 1) Submit ~~GPA, course completion, and the a-~~letter of application to the Illinois Community College Board requesting continuation of the scholarship for the next semester. The letter must be postmarked by August 1 for application to the fall term ~~and;~~ January 1 for application to the spring term; ~~and June 1 for application to the summer term.;~~

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- 2) Comply with academic standards as defined by college policy. Exceptions to this subsection (g)(2), such as extenuating circumstances, shall be documented by ICCB staff and college contacts. The first semester minimum grade point average may be waived as a determining factor of academic standards achievement if the student's academic advisor concludes that extenuating circumstances existed; and
- 3) Submit documentation showing successful completion of a minimum of 6 credit hours in the last semester and a GPA of 2.0 or higher-acceptable academic status and the number of credit hours completed during the last term of enrollment at the college.
- h) Students may ~~can~~ be awarded scholarship funds for the fall and spring semesters of two successive years ~~three successive years, or a maximum of 64 credit hours (or more if completing an associate in applied science degree requiring additional credit hours)~~ to be used toward the completion of a degree or certificate program.
- i) The number of scholarships awarded each year is contingent upon the amount of funds appropriated. The scholarships cannot be guaranteed to students even if all criteria are met. The distribution of available funds between new and renewed scholarships will be determined by the Illinois Community College Board to maximize use of the funds.

(Source: Amended at 27 Ill. Reg. 17204, effective October 31, 2003)

Section 1501.523 Foundation Matching Grants

- a) An eligible community college foundation, as referred to in this Section, is defined as a 501(c)(3) entity formed to benefit a community college district, students, and taxpayers of a community college district as provided for in the Public Community College Act and meets the criteria to receive an award as provided for in this Section. A foundation shall establish its eligibility by submitting a copy of its articles of incorporation (the first year of application only), a copy of its most recent signed federal 990 tax return, and a copy of the foundation's most recently completed external audit with the other components of an application.
- b) Requests for foundation matching grant awards (referred to in this Section as challenge grants) must be submitted in a format prescribed by the ICCB no later than December 1 of each year.

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- c) Each community college foundation shall have the opportunity to apply for a \$25,000 challenge grant. The award amount shall be prorated to a reduced amount if sufficient funds are not available in the State's Academic Improvement Trust Fund to provide an initial grant of \$25,000 to those eligible foundations that submit an application no later than December 1.
- d) In order to be eligible to receive a challenge grant, the community college foundation board must establish, as part of the application process, that the foundation board has:
- 1) established an academic improvement trust fund as a depository for private contributions and awarded challenge grants;
 - 2) \$3 of local match available (contributions received after July 1, 1999, for the purpose of matching the State challenge grants) for each \$2 of State funds; and
 - 3) raised a minimum of \$10,000 from private sources and the contributions must be in excess of the total average annual cash contributions made to the community college foundation in the three fiscal years before July 1, 1999 (fiscal years 1997, 1998, 1999).
- e) Any unmatched excess funds remaining in the State's Academic Improvement Trust Fund, on April 1 of the fiscal year in which an appropriation is received, for community college foundations after the award of the initial \$25,000 challenge grants will be available for matching by any community college foundation. No community college foundation will receive more than \$100,000 in challenge grants in any one State fiscal year.
- f) The community college foundation board is responsible for determining the use of the proceeds of the challenge grants and such uses may include:
- 1) scientific equipment;
 - 2) professional development and training for faculty; and
 - 3) student scholarships and other activities appropriate to improving the quality of education at the community college. The community college foundation may not use the proceeds of the challenge grant for a capital campaign or program.
- g) Each community college foundation receiving grant funds shall file a report with the ICCB in a format prescribed by the ICCB detailing how the funds were utilized within 60 days after the foundation's fiscal year end and submit a copy of the external audit of the fiscal year just ended as soon as it is completed.

(Source: Added at 27 Ill. Reg. 17204, effective October 31, 2003)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
130.120	Amendment
130.605	Amendment
130.1951	Amendment
130.2140	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-795; 35 ILCS 120/12
- 5) Effective Date of Amendments: November 3, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 73, January 3, 2003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These regulations are promulgated to implement recent legislation. Section 130.120 and Section 130.605 make changes to the exemption afforded persons who purchase automobiles in Illinois and affix drive-away decals in

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order to drive the vehicles to another state to be titled. Public Act 92-680 changed the term, "driveaway decal permit" to "drive-away permit," a change which is reflected in both Section 130.120 and 130.605. In addition, Section 130.605 is amended to clarify that for purposes of the drive-away permit exemption, the term, "state," is limited to a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada. The definition of "state" found in the Motor Vehicle Code, as well as provisions of the Motor Vehicle Code governing drive-away permits, requires this result.

Public Act 92-779, effective August 6, 2002, significantly changed the enterprise zone building materials exemption. The amendments to Section 130.1951 explain these changes. As the regulation notes, there is still no requirement that the retailer be located in a municipality or county that created the enterprise zone into which building materials will be incorporated. However, restrictions on the deduction contained in the ordinance in effect at the retailer's location no longer control the sale. For the exemption to apply, the purchaser must provide a retailer with a Certificate of Eligibility for Sales Tax Exemption issued by the administrator of the enterprise zone into which the materials will be incorporated. This Certificate of Eligibility for Sales Tax Exemption will certify that the building project identified therein meets all the requirements of the enterprise zone ordinance of the jurisdiction in which the building project is located. In addition, the purchaser must provide the retailer with another certification stating that the materials will be incorporated into the building project identified in the Certificate of Eligibility for Sales Tax Exemption. The regulation has been updated to track changes made in other regulations contained in Part 130, specifically the Manufacturing Machinery and Equipment (130.330) and the Graphic Arts Machinery and Equipment Exemption (Section 130.325).

Section 130.2140 is amended pursuant to an agreement with JCAR. The Department recently added a new section governing the tax liabilities of persons selling floor coverings (Section 130.2101). During the course of that rulemaking, JCAR noted that provisions of Section 130.2140 were inconsistent with the new section. It requested that the Department amend Section 130.2140 to remove these inconsistencies. This rulemaking is the result of that agreement.

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

Jerilynn Troxell Gorden
Senior Counsel, Sales and Excise Tax
Legal Services Office

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Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

The full text of the adopted amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 130
RETAILERS' OCCUPATION TAX

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130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

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130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
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SUBPART C: CERTAIN STATUTORY EXEMPTIONS

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130.305	Farm Machinery and Equipment
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130.325	Graphic Arts Machinery and Equipment Exemption
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- 130.345 Oil Field Exploration, Drilling and Production Equipment
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SUBPART D: GROSS RECEIPTS

Section

- 130.401 Meaning of Gross Receipts
- 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
- 130.410 Cost of Doing Business Not Deductible
- 130.415 Transportation and Delivery Charges
- 130.420 Finance or Interest Charges – Penalties – Discounts
- 130.425 Traded-In Property
- 130.430 Deposit or Prepayment on Purchase Price
- 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
- 130.440 Penalties
- 130.445 Federal Taxes
- 130.450 Installation, Alteration and Special Service Charges
- 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section

- 130.501 Monthly Tax Returns – When Due – Contents
- 130.502 Quarterly Tax Returns
- 130.505 Returns and How to Prepare
- 130.510 Annual Tax Returns
- 130.515 First Return
- 130.520 Final Returns When Business is Discontinued
- 130.525 Who May Sign Returns
- 130.530 Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
- 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
- 130.540 Returns on a Transaction by Transaction Basis
- 130.545 Registrants Must File a Return for Every Return Period
- 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
- 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
- 130.555 Vending Machine Information Returns

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130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section

130.601 Preliminary Comments
130.605 Sales of Property Originating in Illinois
130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section

130.701 General Information on Obtaining a Certificate of Registration
130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710 Procedure When Security Must be Forfeited
130.715 Sub-Certificates of Registration
130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725 Display
130.730 Replacement of Certificate
130.735 Certificate Not Transferable
130.740 Certificate Required For Mobile Vending Units
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130.801 General Requirements
130.805 What Records Constitute Minimum Requirement
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130.820 Preservation of Books During Pendency of Assessment Proceedings
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SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
130.1301 When Lessee of Premises Must File Return for Leased Department
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased
Premises
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the
Sale
130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for
Certificates of Resale
130.1410 Requirements for Certificates of Resale (Repealed)
130.1415 Resale Number – When Required and How Obtained

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130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
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SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

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- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers
- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators

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130.1925	Blacksmiths
130.1930	Chiropodists, Osteopaths and Chiropractors
130.1935	Computer Software
130.1940	Construction Contractors and Real Estate Developers
130.1945	Co-operative Associations
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130.1952	Sales of Building Materials to a High Impact Business
130.1955	Farm Chemicals
130.1960	Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
130.1965	Florists and Nurserymen
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- 130.2040 Retailers of Clothing
- 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
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- 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
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- 130.2110 Sellers of Seeds and Fertilizer
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- 130.2125 Trading Stamps and Discount Coupons
- 130.2130 Undertakers and Funeral Directors
- 130.2135 Vending Machines
- 130.2140 Vendors of Curtains, Slip Covers, ~~Floor Covering~~ and Other Similar Items Made to Order
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- 130.2150 Vendors of Memorial Stones and Monuments
- 130.2155 Tax Liability of Sign Vendors
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- 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
- 130.2165 Veterinarians
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SUBPART T: DIRECT PAYMENT PROGRAM

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130.2500	Direct Payment Program
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130.2515	Application for Permit
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130.2530	Recordkeeping Requirements
130.2535	Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Card

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1,

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1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 17216, effective November 3, 2003.

SUBPART A: NATURE OF TAX

Section 130.120 Nontaxable Transactions

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The tax does not apply to receipts from sales:

- a) of intangible personal property, such as shares of stocks, bonds, evidences of interest in property, corporate or other franchises and evidences of debt;
- b) of real property, such as lands and buildings that are permanently attached to the land;
- c) of tangible personal property for purposes of resale in any form as tangible personal property, provided that the purchaser (except in the case of an out-of-State purchaser who will always resell and deliver the property to his customers outside Illinois) has an active registration number or active resale number from the Department and gives ~~the such~~ number to the vendor in connection with certifying to the vendor that the sale to ~~the such~~ purchaser is nontaxable on the ground of being a sale for resale (see Subparts B and N of this Part);
- d) of personal services, where rendered as such (see various rules relating to particular service occupations); however, for information concerning the tax on persons engaged in the business of making sales of service, see the Regulations pertaining to the Service Occupation Tax Act (86 Ill. Adm. Code 140);
- e) ~~that which~~ are within the protection of the Commerce Clause of the Constitution of the United States (see Subpart F of this Part);
- f) ~~that which~~ are isolated or occasional (see Section 130.110 of this Subpart);
- g) of newspapers and magazines (see Section 130.2105 of this Part);
- h) ~~that which~~ made to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes, or any not-for-profit corporation, society, association, foundation, institution or organization ~~that which~~ has no compensated officers or employees and ~~that which~~ is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this subsection only if the limited liability company is organized and operated exclusively for educational purposes (see Section 130.2005 of this Part);

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- i) ~~that which~~ are made to any governmental body (see Section 130.2080 of this Part);
- j) of pollution control facilities (see Section 130.335 of this Part);
- k) *of fuel consumed or used in the operation of ships, barges or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship or vessel while it is afloat upon that bordering river [35 ILCS 120/2-5(24)]* (see Section 130.315 of this Part);
- l) of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce (see Section 130.340 of this Part);
- m) of a motor vehicle in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a ~~drive-away driveaway decal~~ permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code [625 ILCS 5/3-603], or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his home state (see Section 130.605);
- n) until January 1, 2001, of merchandise in bulk when sold from a vending machine for 1¢; on and after January 1, 2002, the exemption applies to merchandise in bulk when sold from a vending machine for \$.0.50 or less (see 35 ILCS 120/1 and Section 130.2135 of this Part);
- o) of food and beverages by a person who is the recipient of a grant or contract under Title VII of the Older Americans Act of 1965 (42 USC 3021) and serves meals to participants in the Federal Nutrition Program for the Elderly in return for contributions established in amount by the individual participant pursuant to a schedule of suggested fees as provided for in the Federal Act;
- p) of farm chemicals (see Section 130.1955 of this Part);
- q) of manufacturing machinery and equipment that qualifies for exemption under provisions of Section 130.330 of this Part;
- r) of services included in gross receipts for purposes of the Retailers' Occupation Tax and ~~that which~~ are designated mandatory service charges by vendors of meals

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to the extent that the proceeds of the service charge are in fact turned over to the employees who would normally have received tips had the service charge policy not been introduced. Service charges ~~that which~~ are used to fund or pay wages, labor costs, employee benefits or employer costs of doing business are taxable gross receipts;

- s) *of any petroleum product, if the seller is prohibited by federal law from charging tax to the purchaser* [35 ILCS 120/2-5(16)].
- 1) For example, federal law prohibits sellers from charging tax to Amtrak when it purchases petroleum products. However, federal law does not relieve the seller of Retailers' Occupation Tax liability in these transactions. For that reason, the exemption set out in this subsection is necessary to relieve the seller of Retailers' Occupation Tax liability when making sales of petroleum products to Amtrak.
 - 2) The nontaxable transaction set out above is also applicable to local Retailers' Occupation Taxes imposed by municipalities, counties, the Regional Transportation Authority and Metro East Mass Transit District;
- t) *of farm machinery and equipment, both new and used including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture, or state or federal agricultural programs, including individual replacement parts for the machinery and equipment and including machinery and equipment purchased for lease* [35 ILCS 120/2-5(2)] (see Section 130.305);
- u) *of distillation machinery and equipment, sold as a unit or kit, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as a motor fuel or as a component of motor fuel for personal use of the user and not subject to sale or resale* [35 ILCS 120/2-5(3)];
- v) *of graphic arts machinery and equipment, including repair and replacement parts* [35 ILCS 120/2-5(4)] (see Section 130.325);
- w) *a motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the*

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second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code that is used for automobile renting as defined in the Automobile Renting Occupation and Use Tax Act [35 ILCS 120/2-5(5)];

- x) *of personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois [35 ILCS 120/2-5(6)] (see Section 130.2006);*
- y) *of that portion of the selling price of a passenger car, the sale of which is subject to the replacement vehicle tax of the Illinois Vehicle Code [625 ILCS 5/3-2001] [35 ILCS 120/2-5(7)];*
- z) *of personal property sold to an Illinois county fair association for use in conducting, operating or promoting the county fair [35 ILCS 120/2-5(8)];*
- aa) *of personal property sold to any not-for-profit arts or cultural organization that establishes that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code (26 USCA 501) and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. On and after July 1, 2001, the qualifying organizations listed in this subsection (aa) must also be organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations [35 ILCS 120/2-5(9)] (see Section 130.2004 of this Part);*
- bb) *of personal property sold by a corporation, society, association, foundation, institution or organization that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise [35 ILCS 120/2-5(10)] (see Section 130.2008);*
- cc) *of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America or the government of any foreign country and bullion [35 ILCS 120/2-5(11)], unless ~~the such~~ items are transferred as jewelry and therefore subject to tax;*

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- dd) *of oil field exploration, drilling and production equipment [35 ILCS 120/2-5(19)] (see Section 130.345);*
- ee) *of photoprocessing machinery and equipment, including repair and replacement parts [35 ILCS 120/2-5(20)] (see Section 130.2000);*
- ff) *of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment, including replacement parts and equipment [35 ILCS 120/2-5(21)] (see Section 130.350);*
- gg) *of fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers [35 ILCS 120/2-5(22)] (see Section 130.321);*
- hh) *of semen used for artificial insemination of livestock for direct agricultural production. [35 ILCS 120/2-5(26)] Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, the purchaser's signature and date of signing and a statement that the semen purchased will be used for artificial insemination of livestock for direct agricultural production. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;*
- ii) *beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area. [35 ILCS 120/2-5(30)] Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and the date of signing, a description of the items being purchased for donation, a statement that the property purchased will be donated for disaster relief to be used in a State or*

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federally declared disaster area in Illinois or bordering Illinois to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area, and that entity's sales tax exemption identification number. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

- jj) *beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster. [35 ILCS 120/2-5(31)]* Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased, and a statement that the property purchased is for use in the performance of infrastructure repairs initiated on facilities located in the declared disaster area within six months after the disaster in this State resulting from a State or federally declared disaster area in Illinois or bordering Illinois. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;
- kk) *of a transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois [35 ILCS 120/2-5(23)];*
- ll) *until June 1, 2000, of horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes [35 ILCS 120/2-5(27)];*

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- mm) *effective January 1, 1996 through December 31, 2000, and on and after August 2, 2001, of computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act [35 ILCS 120/2-5(28)] (see Section 130.2011 of this Part);*
- nn) *effective January 1, 1996 through December 31, 2000, and on and after August 2, 2001, of personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act [35 ILCS 120/2-5(29)] (see Section 130.2012 of this Part);*
- oo) *of tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois [35 ILCS 120/2-5(17)];*
- pp) *of aggregate exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code [35 ILCS 120/7];*
- qq) beginning July 20, 1999, game or game birds purchased at:
- 1) a game breeding and hunting preserve area licensed by the Department of Natural Resources (see Section 3.27 of the Wildlife Code [520 ILCS 5/3.27]);
 - 2) an exotic game hunting area licensed by the Department of Natural Resources (see Section 3.34 of the Wildlife Code [520 ILCS 5/3.34]); or
 - 3) a hunting enclosure approved through rules adopted by the Department of Natural Resources;

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- rr) *beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This subsection (rr) does not apply to fundraising events:*
- 1) *for the benefit of private home instruction; or*
 - 2) *for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity [35 ILCS 120/2-5(34)];*
- ss) *of machinery or equipment used in the operation of a high impact service facility located within an enterprise zone established pursuant to the Illinois Enterprise Zone Act. "High impact service facility" means a facility used primarily for the sorting, handling and redistribution of mail, freight, cargo, or other parcels received from agents or employees of the handler or shipper for processing at a common location and redistribution to other employees or agents for delivery to an ultimate destination on an item-by-item basis, and which:*
- 1) *will make an investment in a business enterprise project of \$100,000,000 or more;*
 - 2) *will cause the creation of at least 750 to 1,000 jobs or more in an enterprise zone established pursuant to the Illinois Enterprise Zone Act; and*
 - 3) *is certified by the Department of Commerce and Community Affairs as contractually obligated to meet the requirements specified in subsection (11)(1) and (2) within the time period as specified by the certification. The certificate of eligibility for exemption shall be presented by the business enterprise to its supplier when making the initial purchase of machinery and equipment for which an exemption is granted by Section 1j of the Act, together with a certification by the business enterprise that such machinery and equipment is exempt from taxation under Section 1j of the*

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Act and by indicating the exempt status of each subsequent purchase on the face of the purchase order [35 ILCS 120/1i];

- tt) *of jet fuel and petroleum products sold to and used in the conduct of its business of sorting, handling and redistribution of mail, freight, cargo or other parcels in the operation of a high impact service facility located within an enterprise zone established pursuant to the Illinois Enterprise Zone Act, provided that the business enterprise has waived its right to a tax exemption of the charges imposed under Section 9-222.1 of the Public Utilities Act [35 ILCS 120/1j.1]. High impact service facilities qualifying under the Act and seeking the exemption under Section 1j.1 shall be ineligible for the exemptions of taxes imposed under Section 9-222.1 of the Public Utilities Act. High impact service facilities qualifying under the Act and seeking the exemption under Section 9-222.1 of the Public Utilities Act shall be ineligible for the exemptions of taxes as described in Section 1j.1 of the Act. [35 ILCS 120/1j.2] The certification of eligibility for exemption shall be presented by the business enterprise to its supplier when making the purchase of jet fuel and petroleum products for which an exemption is granted by Section 1j.1 of the Act, together with a certification by the business enterprise that such jet fuel and petroleum product is exempt from taxation under Section 1j.1 of the Act, and by indicating the exempt status of each subsequent purchase on the face of the purchase order [35 ILCS 120/1i];*
- uu) *of a motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, “a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes” means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation. [35 ILCS 120/2-5(33)] Exemption certifications must be executed by the purchaser. The certificate must include: the seller’s name and address; the purchaser’s name and address; the purchaser’s registration number with the Department, if applicable; the purchaser’s signature and date of signing;*

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a description of the motor vehicle that is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes (see Section 130.2005); the donee's sales tax exemption identification number; and a statement that the motor vehicle is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

- vv) *of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act [35 ILCS 120/2-5 (36)];*
- ww) *beginning January 1, 2000 through December 31, 2001, of new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, of machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts from the use of the commercial, coin-operated amusement and vending machines. [35 ILCS 120/2-5(35)] (See Section 130.332 of this Part.)*

(Source: Amended at 27 Ill. Reg. 17216, effective November 3, 2003)

SUBPART F: INTERSTATE COMMERCE

Section 130.605 Sales of Property Originating in Illinois

- a) Where tangible personal property is located in this State at the time of its sale (or is subsequently produced in Illinois), and then delivered in Illinois to the purchaser, the seller is taxable if the sale is at retail.

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- 1) The sale is not deemed to be in interstate commerce if the purchaser or his representative receives the physical possession of ~~the such~~ property in this State.
- 2) This is so notwithstanding the fact that the purchaser may, after receiving physical possession of the property in this State, transport or send the property out of the State for use outside the State or for use in the conduct of interstate commerce.
- 3) The place at which the contract of sale or contract to sell is negotiated and executed and the place at which title to the property passes to the purchaser are immaterial. The place at which the purchaser resides is also immaterial. It likewise makes no difference that the purchaser is a carrier when that happens to be the case.
- 4) There are two exceptions to the rule that the sale is not deemed to be a sale in interstate commerce if the purchaser or his representative receives physical possession of the property in Illinois.
 - A) Effective July 23, 1971, the tax is not imposed upon the sale of a motor vehicle in this State to a nonresident even though the motor vehicle is delivered to ~~the such~~ nonresident in this State, if ~~the such~~ motor vehicle is not to be titled in this State, and if a ~~drive-away~~ ~~driveaway decal~~ permit for purposes of transporting the motor vehicle to the other state is issued to ~~the such~~ motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the other vehicle upon returning to his home state. The issuance of the ~~drive-away~~ ~~driveaway decal~~ permit shall be prima facie evidence that ~~thesuch~~ motor vehicle will not be titled in this State. For purposes of this subsection (a)(4)(A), the term "motor vehicle" does not include "watercraft" or "personal watercraft" as defined in the Boat Registration and Safety Act [625 ILCS 45] or any boat equipped with an inboard motor. For purposes of this subsection (a)(4)(A), the term "state" is limited to a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada (see 625 ILCS 5/1-195).

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- B) The seller does not incur Retailers' Occupation Tax liability with respect to *the proceeds from the sale of an item of tangible personal property to a common carrier by rail or motor that receives physical possession of property in Illinois and that transports the property, or shares with another common carrier in transporting the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.* [35 ILCS 120/2-5(17)]
- C) The exception for sales to common carriers by rail or motor which is described immediately above at subsection (a)(4)(B) of this Section is also applicable to local occupation taxes administered by the Department.
- b) The tax does not extend to gross receipts from sales in which the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point within this State, provided that ~~thesueh~~ delivery is actually made.
- c) Nor does the tax apply to gross receipts from sales in which the seller, by carrier (when the carrier is not also the purchaser) or by mail, under the terms of his agreement with the purchaser, delivers the goods from a point in this State to a point outside this State not to be returned to a point within this State. The fact that the purchaser actually arranges for the common carrier or pays the carrier that effects delivery does not destroy the exemption. However, it is critical that the seller is shown as the consignor or shipper on the bill of lading. If the purchaser is shown as either the consignor or the shipper, the exemption will not apply.
- d) The place at which title to the property passes to the purchaser is immaterial. The place at which the contract of sale or contract to sell is negotiated and executed and the place at which the purchaser resides are also immaterial. Sales of the type described in subsections (b) and (c) are deemed to be within the protection of the Commerce Clause of the Constitution of the United States.
- e) To establish that the gross receipts from any given sale are exempt because the tangible personal property is delivered by the seller from a point within this State to a point outside this State under the terms of an agreement with the purchaser,

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the seller will be required to retain in his records, to support deductions taken on his tax returns proof ~~thatwhich~~ satisfies the Department that there was ~~such~~-an agreement and a bona fide delivery outside this State of the property ~~thatwhich~~ is sold. The most acceptable proof of this fact will be:

- 1) If shipped by common carrier, a waybill or bill of lading requiring delivery outside this State;
 - 2) if sent by mail, an authorized receipt from the United States Post Office Department for articles sent by registered mail, parcel post, ordinary mail or otherwise, showing the name of the addressee, the point outside Illinois to which the property is mailed and the date of ~~thesueh~~ mailing; if the receipt does not comply with these requirements, other supporting evidence will be required;
 - 3) if sent by seller's own transportation equipment, a trip sheet signed by the person making delivery for the seller and showing the name, address and signature of the person to whom the goods were delivered outside this State; or, in lieu thereof, an affidavit signed by the purchaser or his representative, showing the name and address of the seller, the name and address of the purchaser and the time and place of ~~the sueh~~-delivery outside Illinois by the seller; together with other supporting data as required by Section 130.810 of this Part and by Section 7 of the Act.
- f) Retailers who ship property to freight forwarders who take possession of the property in Illinois and ship the property to foreign countries, not to be returned to the United States, are making exempt sales in foreign commerce and do not incur Retailers' Occupation Tax liability on the gross receipts from those sales. However, there is no exemption for property delivered in Illinois to foreign vessels. If foreign vessels purchase items of tangible personal property from Illinois retailers and have those items delivered to ~~thesueh~~ vessels in an Illinois port, the sale is made in Illinois, the purchaser takes possession of the items in Illinois, and therefore, the sale is taxable.

(Source: Amended at 27 Ill. Reg. 17216, effective November 3, 2003)

SUBPART S: SPECIFIC APPLICATIONS

Section 130.1951 Enterprise Zones

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- a) Building Materials Purchased for Physical Incorporation into Real Estate Located in an Enterprise Zone – In General
- 1) Effective September 1, 1985, a deduction from Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials ~~that~~^{which} will be incorporated into real estate located in an *enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction*. (Section 5k of the Act)
 - 2) Prior to February 18, 1992, the only limitation on the deduction was that the retailer from whom the building materials were purchased had to be located in a municipality or county that created the enterprise zone into which the materials were incorporated.
 - 3) Effective February 18, 1992, the municipalities and counties that created an enterprise zone could place restrictions on the scope of the deduction by ordinance.
 - A) Example: The local ordinance could restrict the deduction to building materials purchased for a job for which a building permit had been issued.
 - B) Example: The local ordinance could restrict the deduction to building materials purchased for incorporation into commercial property.
 - 4) Effective January 1, 2002, there is no longer any requirement that the retailer be located in a municipality or county that created the enterprise zone into which the materials will be incorporated. However, any restrictions on the deduction contained in an ordinance in effect at the retailer's location control the sale.
 - 5) Effective August 6, 2002, there is still no requirement that the retailer be located in a municipality or county that created the enterprise zone into which the materials will be incorporated. However, restrictions on the deduction contained in the ordinance in effect at the retailer's location no longer control the sale. Rather, the purchaser must obtain a Certificate of

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Eligibility for Sales Tax Exemption from the administrator of the enterprise zone into which the materials will be incorporated. That Certificate of Eligibility for Sales Tax Exemption will certify that the building project identified therein meets all the requirements of the enterprise zone ordinance of the jurisdiction in which the building project is located. In order to purchase building materials for that project tax-free, the purchaser must provide a copy of that Certificate to the retailer along with the purchaser's own certification that the materials will be incorporated into the building project identified in the Certificate of Eligibility for Sales Tax Exemption.

- b) For purchases made between September 1, 1985 and December 31, 2001:
- 1) The retailer of qualifying building materials must be located in the municipality or in the unincorporated area of the county ~~that~~which has established the enterprise zone into which the building materials will be incorporated. In order to establish that the retailer is located in the municipality or unincorporated area of the county ~~that~~which has established the enterprise zone, the retailer must at the time of sale:
 - A) have an identifiable physical presence in the municipality or the unincorporated area of the county that has established the enterprise zone;
 - B) be registered with the Department as a retailer at a location in the municipality or in the unincorporated area of the county that has established the enterprise zone; and
 - C) be able to document the acceptance of purchase orders at a location in the municipality or the unincorporated area of the county that has established the enterprise zone.
 - 2) In order to establish that the purchaser purchased qualifying building materials from a qualified retailer, the following two separate transactions must exist:
 - A) a sale from a supplier to the retailer who is located in the jurisdiction that created the enterprise zone (exempt as a sale for resale); and

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- B) a sale from the retailer who is located in the jurisdiction that created the enterprise zone to a purchaser who will incorporate those materials into real estate located in the enterprise zone (exempt by reason of the enterprise zone building materials exemption).

AGENCY NOTE: Each of these transactions must exist independent of the other, and the exemption applicable to each transaction must be properly documented. These transactions must be reflected in the books and records of the qualified retailer.

- 3) For purposes of the exemption as it existed between September 1, 1985 and December 31, 2001, the following documentation establishes a sale from a supplier to the retailer who is located in the jurisdiction that created the enterprise zone:
- A) a purchase order from the retailer to the supplier;
 - B) a Certificate of Resale from the retailer to the supplier;
 - C) an invoice from the supplier to the retailer; and
 - D) payment to the supplier from the retailer.
- 4) For purposes of the exemption as it existed between September 1, 1985 and December 31, 2001, the following documentation establishes a sale from the retailer who is located in the jurisdiction that created the enterprise zone to the purchaser:
- A) a purchase order from the purchaser to the retailer;
 - B) an enterprise zone building materials certification from the purchaser to the retailer containing all of the information set forth at Section 130.1951(b)(5);
 - C) an invoice from the retailer to the purchaser; and
 - D) payment to the retailer from the purchaser.

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- 5) In order to claim the exemption as it existed between September 1, 1985 and December 31, 2001, a retailer must have among its books and records a written statement signed by the purchaser setting out facts ~~that~~which establish the deduction. This purchaser's statement must contain the following information:
- A) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into real estate located in an enterprise zone (and this must be the enterprise zone created by the jurisdiction in which the retailer is located);
 - B) a description of the building materials being purchased (this may be done by a cross reference to the retailer's invoice number);
 - C) the location of the real estate into which the building materials will be incorporated (this may be done by reference to the street address of the real estate);
 - D) the name of the enterprise zone in which that real estate is located (and the retailer must insure that he is located within the municipality or in an unincorporated area of the county ~~that~~which established the enterprise zone named in the purchaser's statement); and
 - E) the purchaser's signature and date of signing.
- c) For purchases made on and after January 1, 2002 through August 5, 2002:
- 1) On and after January 1, 2002 and through August 5, 2002, the deduction is still available but, effective January 1, 2002, there is no requirement that the retailer from whom the materials are purchased be located in a jurisdiction that created the enterprise zone into which the materials will be incorporated.

However, if the retailer is located in a jurisdiction that has an enterprise zone ordinance that places restrictions on sales of building materials being purchased for incorporation into its enterprise zone, then those restrictions

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are applicable to all sales of building materials being purchased for incorporation into any Illinois enterprise zone.

- 2) The general rule is to look for an enterprise zone ordinance in effect in the jurisdiction in which the retailer is located. If an enterprise zone ordinance is in effect in the retailer's jurisdiction, the sale can be made tax-free subject to any restrictions in that ordinance. If that ordinance contains no restrictions, then the sale can be made tax-free. In either event, when the deduction is claimed, the purchaser must certify, in writing, to the retailer that the materials will be incorporated into real estate located in an Illinois enterprise zone in accordance with Section 130.1951(c)(6) and the retailer must retain that certification in his books and records. Restrictions, or the absence of restrictions, in effect for the enterprise zone into which the building materials will be incorporated do not matter (unless the retailer is also located in the jurisdiction that created that enterprise zone).
- 3) If the retailer is located in a jurisdiction that has no enterprise zone ordinance, then there are no restrictions on the sale of building materials by that retailer for incorporation into any Illinois enterprise zone. Anyone purchasing building materials from the retailer can make the purchase tax-free so long as the material will be incorporated into an Illinois enterprise zone and the purchaser so certifies in accordance with Section 130.1951(c)(6). This is true even though the enterprise zone into which the materials will be incorporated has restrictions. In this situation, restrictions in the ordinance governing the enterprise zone into which the materials will be incorporated do not matter.
 - A) Example: The retailer is located in City A and City A has no enterprise zone and no enterprise zone ordinance. In this example, the deduction is available to the retailer without restriction as long as the materials will be incorporated into real estate located in any Illinois enterprise zone. This is true even though the enterprise zone ordinance governing the enterprise zone into which the materials will be incorporated has restrictions.

Stated conversely, a construction contractor purchasing building materials for incorporation into City B's enterprise zone can purchase those materials without restriction from the retailer in

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City A and this is true even if City B's enterprise zone ordinance has restrictions.

- B) Example: A retailer is located outside Illinois. The deduction has no effect on the sales tax due at the retailer's out-of-state location and cannot be used to avoid any sales tax due at the out-of-state location. However, if an Illinois construction contractor purchases building materials from the out-of-state retailer, the Illinois contractor incurs no Illinois use tax liability on his cost price of those materials if he incorporates them into real estate located in any Illinois enterprise zone. This is true even though the ordinance governing the enterprise zone into which the materials will be incorporated has restrictions.
- 4) If the retailer is located in a jurisdiction that has an enterprise zone ordinance and that ordinance contains no restrictions on the sale of enterprise zone building materials, then there are no restrictions on the sale of building materials by that retailer for incorporation into any Illinois enterprise zone. Anyone purchasing building materials from the retailer can make the purchase tax-free so long as the material will be incorporated into an Illinois enterprise zone. This is true even though the enterprise zone into which the materials will be incorporated has restrictions. In this situation, restrictions in the ordinance governing the enterprise zone into which the materials will be incorporated do not matter.
- 5) If the retailer is located in a jurisdiction that has an enterprise zone ordinance and that ordinance contains restrictions on the sale of enterprise zone building materials, then those restrictions control every sale of building materials for incorporation into any Illinois enterprise zone. In this situation, it is imperative that the retailer and the purchaser be familiar with the restrictions in the enterprise zone ordinance in effect in the retailer's jurisdiction. The deduction may or may not be available, depending on those restrictions.
- A) Example: The retailer is located in City A and City A's enterprise zone ordinance specifies that the deduction is available only to building materials to be incorporated into City A's enterprise zone. In this example, the deduction is available to the retailer only when he sells building materials to be incorporated into City A's

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enterprise zone. The retailer cannot make tax-free sales of building materials for incorporation into any other enterprise zone.

Stated conversely, in this example a construction contractor purchasing building materials for incorporation into City B's enterprise zone cannot claim the deduction when purchasing those materials from the retailer located in City A.

- B) Example: The retailer is located in City A and City A's enterprise zone ordinance does not specify that the materials must be incorporated into City A's enterprise zone. However, it does specify that the materials must be used in an enterprise zone project for which City A has issued a building permit. In this example, the exemption is available to the retailer only when he sells building materials to be incorporated into City A's enterprise zone. The retailer cannot make tax-free sales of building materials to be incorporated into any other enterprise zone. This is so because City A cannot issue a building permit for a project in another city's enterprise zone.

Stated conversely, in this example, a construction contractor purchasing building materials for incorporation into City B's enterprise zone cannot claim the deduction when purchasing from the retailer located in City A. Again, this is so because City A could not have issued a building permit for the project in City B.

- C) Example: The retailer is located in City A and City A's enterprise zone ordinance does not specify that the materials must be incorporated into City A's enterprise zone and it does not specify that the materials must be used in a project for which City A has issued a building permit. However, it does specify that the materials must be used in a project for which "a building permit" has been issued. In this example, the deduction would be available to the retailer in City A when selling building materials for incorporation into any Illinois enterprise zone so long as a building permit has been issued to the project by the appropriate local authority.

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Stated conversely, in this example, a construction contractor purchasing building materials for incorporation into City B's enterprise zone can claim the deduction when purchasing from the retailer in City A but only if the materials will be used in a project for which a building permit has been issued by the appropriate authority in City B.

- D) Example: The retailer is located in City A and the only restriction in City A's enterprise zone ordinance is that the building materials must be used in a commercial project. In this example, the deduction is available to the retailer in City A when selling building materials for incorporation into any Illinois enterprise zone so long as the building materials will be incorporated into commercial real estate.

Stated conversely, in this example, a construction contractor purchasing building materials for incorporation into City B's enterprise zone can claim the deduction when purchasing from the retailer in City A but only if the materials will be used in a commercial project.

- E) Again, the restrictions contained in the enterprise zone ordinance in effect at the retailer's location control. Consequently, it is crucial that retailers and their customers be familiar with the enterprise zone ordinance in effect at the retailer's location and that all restrictions in that ordinance are observed.
- 6) A retailer claiming the deduction as it exists on and after January 1, 2002 through August 5, 2002 must have among its books and records a written statement signed by the purchaser setting out facts that establish the deduction. This purchaser's statement must contain the following information:
- A) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into real estate located in an Illinois enterprise zone;
 - B) a description of the building materials being purchased (this may be done by a cross reference to the retailer's invoice number);

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- C) the location of the real estate into which the building materials will be incorporated (this may be done by reference to the street address of the real estate);
 - D) the name of the enterprise zone in which that real estate is located;
 - E) purchaser's signature and date of signing.
- d) For purchases made on and after August 6, 2002:
- 1) On and after August 6, 2002, the deduction is still available and there is no requirement that the retailer from whom the materials are purchased be located in a jurisdiction that created the enterprise zone into which the materials will be incorporated. In addition, restrictions in the enterprise zone ordinance in effect at the retailer's location are no longer applicable to purchases of building materials for incorporation into another enterprise zone. Rather, the municipality or county that created the enterprise zone into which the materials will be incorporated can limit the deduction by ordinance. However, that ordinance may not require that the materials be purchased from any class of retailers and it may not prohibit the purchase being made from any class of retailers. All "qualified sales" of building materials sold for incorporation into any Illinois enterprise zone are eligible for the deduction.
 - 2) A "qualified sale" means a sale of building materials:
 - A) for incorporation into real estate in an Illinois enterprise zone,
 - B) as part of a building project,
 - C) for which a Certificate of Eligibility for Sales Tax Exemption has been issued,
 - D) by the administrator of the enterprise zone in which the project is located.
 - 3) The Certificate of Eligibility for Sales Tax Exemption must contain:

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- A) a statement that the building project identified in the Certificate meets all of the requirements of the enterprise zone ordinance of the jurisdiction in which the building project is located;
 - B) the location or street address of the building project that is the subject of the Certificate;
 - C) the signature of the administrator of the enterprise zone in which the building project is located.
- 4) Certification. A retailer claiming the deduction on and after August 6, 2002 must have among its books and records:
- A) a copy of the Certificate of Eligibility for Sales Tax Exemption from the administrator of the enterprise zone into which the materials will be incorporated; and
 - B) a certification from the purchaser of the building materials containing the following:
 - i) a statement that the building materials being purchased are being purchased for incorporation into real estate located in an Illinois enterprise zone,
 - ii) the location or address of that real estate,
 - iii) the name of the enterprise zone in which that real estate is located,
 - iv) a description of the building materials being purchased for incorporation into that real estate,
 - v) the date of the purchase, and
 - vi) the purchaser's signature.
- ed) In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into real estate. For example, gross receipts from sales of:

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- 1) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal can qualify for the deduction;
 - 2) plumbing systems and components thereof such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes can qualify for the deduction;
 - 3) heating systems and components thereof such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators can qualify for the deduction;
 - 4) electrical systems and components thereof such as wiring, outlets and light fixtures ~~that-which~~ are physically incorporated into the real estate can qualify for the deduction;
 - 5) central air conditioning systems, ventilation systems and components thereof ~~that-which~~ are physically incorporated into the real estate can qualify for the deduction;
 - 6) built-in cabinets and other woodwork ~~that-which~~ are physically incorporated into the real estate can qualify for the deduction;
 - 7) built-in appliances such as refrigerators, stoves, ovens and trash compactors ~~that-which~~ are physically incorporated into the real estate can qualify for the deduction;
 - 8) floor coverings such as tile, linoleum and carpeting that are glued or otherwise permanently affixed to the real estate by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as “tacking strips” or “tack-down strips”) can qualify for the deduction.
- fe) Items ~~that-which~~ are not physically incorporated into the real estate cannot qualify for the deduction. For example, gross receipts from sales of:
- 1) tools, machinery, equipment, fuel, forms and other items ~~that-which~~ may be used by a construction contractor at an enterprise zone building site, but

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~~that-which~~ are not physically incorporated into the real estate, do not qualify for the deduction;

- 2) free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers ~~that-which~~ may be connected to and operate from a building's electrical or plumbing system but which do not become a component of those systems do not qualify for the deduction;
- 3) floor coverings that are area rugs or that are attached to the structure using only two-sided tape do not qualify for the deduction.

gf) Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Manufacturing or Assembling by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs

- 1) Effective September 25, 1985, the Illinois Retailers' Occupation Tax does not apply to retail sales *of tangible personal property to be used or consumed within an enterprise zone or subject to the provisions of Section 5.5 of the Enterprise Zone Act, all tangible personal property to be used or consumed by any high impact business, in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease* so long as the use or consumption is made by business enterprises ~~that-which~~ in the case of a high impact business having been designated pursuant to the terms of Section 5.5(a) of the Enterprise Zone Act [20 ILCS 625/5.5] or ~~which in the case of an enterprise zone:~~

A) in the case of an enterprise zone: ~~Either:~~

- i) *make investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; or*
- ii) *make investments which cause the retention of a minimum of 2,000 full-time jobs in Illinois; or*
- iii) *make investments of a minimum of \$40,000,000; and*

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- B) *are located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act; and*
- C) *are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in subsections (f)(1)(A) and (B); and*
- D) *~~retain~~ Retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption. (Sections 1d and 1f of the Act)*
- 2) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of this exemption.
- 3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in manufacturing or assembling qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities ~~that~~ which do not constitute manufacturing or assembling remain subject to the tax. For purposes of this Section, manufacturing and assembling have the same meaning as ascribed at Section 130.330(b)(2) through (98) of this Part.
- 4) The tangible personal property must be used in a manufacturing or assembling process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in manufacturing or assembling and includes *repair and replacement parts for machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale, or lease, and equipment, manufacturing fuels, material and supplies for the maintenance, repair or operation of such manufacturing or assembling machinery or equipment.* (Section 1d of the Act)
- 5) For example, this exemption extends to:

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- A) machinery and equipment ~~that~~~~which~~ would otherwise qualify under the manufacturing machinery and equipment exemption because of being used in the activities set out at Section 130.330(d)(3) of this Part, and repair and replacement parts for such machinery and equipment;
- B) hand tools used in the activities set out at Section 130.330(d)(3) of this Part;
- C) materials and supplies, such as abrasives, acids, polishing compounds or lubricants used or consumed in the activities set out at Section 130.330(d)(3) of this Part;
- D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment ~~that~~~~which~~ qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;
- E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment ~~that~~~~which~~ qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;
- F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam ~~that~~~~which~~ would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment ~~that~~~~which~~ qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part; and
- G) protective clothing and safety equipment such as gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment ~~that~~~~which~~ qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part.

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- 6) The law requires that tangible personal property be used primarily in manufacturing or assembling. Therefore, tangible personal property ~~that~~ ~~which~~ is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.
- 7) The exemption does not extend to tangible personal property ~~that~~ ~~which~~ is not used or consumed in the manufacturing or assembling process itself. This is true even though the item is used in an activity ~~that~~ ~~which~~ is essential to manufacturing or assembling. For example, the exemption does not extend to:
- A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment ~~that~~ ~~which~~ would not qualify for the manufacturing machinery and equipment exemption;
 - B) tangible personal property used or consumed in research and development of new products, production techniques or production machinery;
 - C) tangible personal property used to store, convey, handle or transport materials, parts or subassemblies prior to their entrance into the production cycle;
 - D) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;
 - E) tangible personal property used to transport work-in-process or finished articles between production plants;
 - F) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product

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- exhibition and promotion or personnel recruitment, selection or training;
- G) tangible personal property used or consumed as general production plant safety equipment;
- H) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a manufacturing or assembling process;
- I) tangible personal property used or consumed in the preparation of food and beverages by a retailer for retail sale, such as restaurants, vending machines and food service establishments;
- J) fuel used or consumed in the operation of any machinery or equipment ~~thatwhich~~ would not qualify for exemption under the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;
- K) building materials ~~thatwhich~~ become physically incorporated into foundations or housings for machinery and equipment – although ~~thesuch~~ building materials may qualify for exemption under the provisions of subsection (a) of this Section if all requirements set out therein are met; and
- L) building materials dedicated to general construction purposes at a production plant – although ~~the such~~ building materials may qualify for exemption under the provisions of subsection (a) of this Section if all requirements set out therein are met.
- 8) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions ~~thatwhich~~ have established enterprise zones.
- 9) Product Use
The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for

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sale or lease. For information concerning this requirement, see Section 130.330(e) of this Part ~~that~~ which is incorporated by reference in this Partherein.

- 10) Sales to Lessors of Certified Business Enterprises
The substance and provisions of Section 130.330(f) of this Part are incorporated by reference herein. For the purpose of this incorporation, references in Section 130.330(f) to "manufacturers" mean "certified business enterprises".
- 11) Exemption Certification
 - A) When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:
 - i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and
 - ii) a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a manufacturing or assembling process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)
 - B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

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- C) If a certified business enterprise (or its lessor) purchases tangible personal property ~~that~~~~which~~ is to be used in the process of manufacturing or assembling, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.
- D) An item ~~that~~ ~~which~~ initially is used primarily in a qualifying manner at a qualifying location but ~~that~~~~which~~ is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.
- hg) Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Graphic Arts Production by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs
- 1) No State or local Retailers' Occupation Tax applies to retail sales of *tangible personal property to be used or consumed within an enterprise zone . . . in the process of graphic arts production if used or consumed at a facility which is a Department of Commerce and Community Affairs certified business and located in a county of more than 4,000 persons and less than 45,000 persons* so long as the use or consumption is made by business enterprises ~~that~~:
- A) ~~that~~~~Either~~:
- i) make investments ~~that~~~~which~~ cause the creation of a minimum of 200 full-time jobs in Illinois; or
- ii) make investments ~~that~~~~which~~ cause the retention of a minimum of 2,000 full-time jobs in Illinois; or
- iii) make investments of a minimum of \$40,000,000 and retain at least 90% of the jobs in place on the date ~~that~~~~on~~ ~~which~~

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the exemption is granted and for the duration of the exemption; and

- B) are located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act; and
 - C) are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in subsections (g)(1)(A), (B) and (C). (Sections 1d and 1f of the Act)
- 2) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of this exemption.
- 3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in graphic arts production qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities ~~that~~*which* do not constitute graphic arts production remain subject to the tax. The Department has defined graphic arts production at Section 130.325(b) of this Part.
- 4) The tangible personal property must be used in a graphic arts production process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in graphic arts production and includes *repair and replacement parts for machinery and equipment used primarily in the process of graphic arts production, and equipment, graphic arts fuels, material and supplies for the maintenance, repair or operation of such graphic arts machinery or equipment.* (Section 1d of the Act)
- 5) For example, this exemption extends to:
- A) machinery and equipment that would otherwise qualify under the graphic arts machinery and equipment exemption because of being used in the activities set out at Section 130.325~~(b)(4)(e)(3)~~ of this

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- Part and for repair and replacement parts for ~~thesueh~~ machinery and equipment;
- B) printing plates, film, fountain solution, blanket wash, and ink additives used in the activities set out at Section 130.325 ~~(b)(4)(e)(3)~~ of this Part;
- C) materials and prep supplies, such as mylar, masking sheets, developer, hardener, fixer, replenishers, and tape used or consumed in the activities set out at Section 130.325 ~~(b)(4)(e)(3)~~ of this Part;
- D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment ~~thatwhieh~~ qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;
- E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment ~~thatwhieh~~ qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;
- F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam ~~thatwhieh~~ would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment ~~thatwhieh~~ qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;
- G) protective clothing and safety equipment such as ear plugs, safety shoes, gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment ~~thatwhieh~~ qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part.
- 6) The law requires that tangible personal property be used primarily in graphic arts production. Therefore, tangible personal property ~~thatwhieh~~ is used primarily in an exempt process and partially in a nonexempt

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manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.

- 7) The exemption does not extend to tangible personal property ~~that~~which is not used or consumed in the graphic arts production process itself. This is true even though the item is used in an activity ~~that~~which is essential to graphic arts production. For example, the exemption does not extend to:
- A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment ~~that~~which would not qualify for the graphic arts production exemption;
 - B) tangible personal property used to store, convey, handle or transport materials prior to their entrance into the production cycle;
 - C) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;
 - D) tangible personal property used to transport work-in-process or finished articles between production plants;~~E)machinery or equipment used to place the printed product in the container, package or wrapping in which such property is normally sold to the ultimate consumer thereof;~~
 - ~~EF)~~ EF) machinery and equipment used to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other data-related functions prior to final composition, typesetting, engraving or other preparation of the image carrier;
 - ~~FG)~~ FG) Xerographic or photocopying machines;
 - ~~GH)~~ GH) word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation such as a computer-controlled typesetting machine or equivalent that is used primarily in graphic arts production;

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- ~~H~~) computers used to store data and generate text, maps, graphs or other print-out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer ~~that~~~~which~~ generates an image ~~that~~~~which~~ may later be reproduced by a graphic arts process would not qualify while a computer-controlled engraving system ~~that~~~~which~~ produces printing cylinders and computer-controlled digital typesetting equipment would qualify;
- ~~I~~) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion or personnel recruitment, selection or training;
- ~~J~~) tangible personal property used or consumed as general production plant safety equipment; or
- ~~K~~) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a graphic arts production process.
- 8) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions ~~that~~ ~~which~~ have established enterprise zones.
- 9) Sales to Lessors of Certified Business Enterprises
The substance and provisions of Section 130.325 ~~(b)(7)(d)~~ of this Part are incorporated by reference ~~in this Part~~~~herein~~. For the purpose of this incorporation, references in Section 130.325 to "lessee" mean "certified business enterprises:".
- 10) Exemption Certification

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- A) When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:
- i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and
 - ii) a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a graphic arts production process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)
- B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.
- C) If a certified business enterprise (or its lessor) purchases tangible personal property ~~that~~^{which} is to be used in the process of graphic arts production, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

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- D) An item ~~thatwhich~~ initially is used primarily in a qualifying manner at a qualifying location but ~~thatwhich~~ is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.
- ~~ih~~) Tangible Personal Property Purchased for Use or Consumption in the Operation of Pollution Control Facilities within an Enterprise Zone by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs
- 1) Effective September 25, 1985, *subject to the provisions of Section 1f of the Act or subject to the provisions of Section 5.5 of the Illinois Enterprise Zone Act [20 ILCS 625/5.5]* the Illinois Retailers' Occupation Tax does not apply to gross receipts from retail sales of *tangible personal property to be used or consumed in the operation of pollution control facilities...within an enterprise zone* (Section 1e of the Act) so long as the use or consumption is made by a business enterprise ~~thatwhich~~ has complied with the requirements set out at subsection (f)(1)(A), (B) and (C) of this Section.
 - 2) The phrase "pollution control facilities" is defined as:
 - A) *any system, method, construction, device, or appliance appurtenant thereto, sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term "air pollution" or "water pollution" is defined in the Environmental Protection Act...or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property.* (Section 1a of the Act)
 - B) The exemption for pollution control facilities described at Section ~~130.335~~~~130.330~~ of this Part extends only to pollution control facilities and replacement parts therefor.
 - 3) However, if a business enterprise is certified by the Department of Commerce and Community Affairs, all tangible personal property used or

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consumed by it in the operation of pollution control facilities within an enterprise zone is exempt from tax. In order to qualify, the item must be used exclusively in the enterprise zone and the pollution control facility must be in the enterprise zone. By way of illustration, this exemption includes:

- A) fuel used in operating pollution control facilities;
- B) chemicals used in the operation of pollution control facilities;
- C) catalysts used in the operation of pollution control facilities;
- D) equipment used to test, monitor or otherwise ascertain the suitability of a fuel, chemical or catalyst for use in the operation of pollution control facilities;
- E) equipment used to monitor or otherwise ascertain the effectiveness of pollution control facilities;
- F) lubricants and coolants used in the operation of pollution control facilities;
- G) protective clothing and safety equipment used in the operation of pollution control facilities;
- H) equipment used to transport fuel, chemicals, catalysts, lubricants, coolants or other operational supplies from a stock pile located in the enterprise zone to a pollution control facility located in the same enterprise zone;
- I) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to another pollution control facility within the same enterprise zone for further filtering, treatment or modification; and
- J) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to a disposal site in the same enterprise zone.

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- 4) No item used primarily in any activity other than the operation of pollution control facilities within an enterprise zone can qualify for this exemption. No item used or consumed outside the enterprise zone can qualify for the exemption. No item used or consumed in the operation of pollution control facilities ~~that~~~~which~~ are located outside the enterprise zone can qualify for the exemption. By way of illustration, the exemption does not extend to:
- A) equipment used to transport fuel, chemicals, catalysts or any other tangible personal property from a point outside the enterprise zone to a pollution control facility inside the enterprise zone;
 - B) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to any location outside the enterprise zone;
 - C) testing equipment used at a location outside an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located in an enterprise zone; or
 - D) testing equipment used at a location in an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located outside the enterprise zone.
- 5) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions ~~that~~~~which~~ have established enterprise zones.
- 6) Sales to Lessors of Certified Business Enterprises
- A) For this exemption to apply, the purchaser need not himself employ the tangible personal property in the operation of pollution control facilities. If the purchaser leases the items to a lessee-certified business enterprise ~~that~~~~which~~ uses the items in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may deduct ~~thesueh~~ sales from his taxable gross receipts provided the purchaser-lessor provides to him a properly completed exemption certificate and the information contained

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thereon would support the exemption if the sale were made directly to the lessee-certified business enterprise.

- B) Should a purchaser-lessor lease the items to a lessee ~~that~~~~which~~ is not a certified business enterprise or to a certified business enterprise ~~that~~~~which~~ does not use those items in the operation of pollution control facilities within an enterprise zone, then the purchaser-lessor will become liable for the tax from which he was previously exempted.

7) Exemption Certification

- A) When a certified business enterprise (or the lessor of a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:
- i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and
 - ii) a written statement of exemption signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in the operation of pollution control facilities at a specified location in a named enterprise zone established under the authority of the Illinois Enterprise Zone Act.
- B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

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- C) If a certified business enterprise (or its lessor) purchases tangible personal property ~~that~~~~which~~ could reasonably be used in the operation of pollution control facilities, then the certified business enterprise (or its lessor) should certify to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax on the sale. However, the purchaser who certifies that the item is being purchased for a qualifying use in an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.
- D) An item ~~that~~~~which~~ is used primarily in a qualifying manner at a qualifying location but ~~that~~~~which~~ is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion to the nonexempt use.

(Source: Amended at 27 Ill. Reg. 17216, effective November 3, 2003)

Section 130.2140 Vendors of Curtains, Slip Covers, ~~Floor Covering~~ and Other Similar Items Made to Order

- a) When Liable For Tax
- 1) Persons who engage in the business of selling portieres, drapes, curtains, marquee curtains, slip covers, ~~floor covering~~, tents, tarpaulins and other similar items incur Retailers' Occupation Tax liability when selling ~~the~~~~such~~ items (with or without installation by the seller) to purchasers for use or consumption and not for resale whether ~~thesuch~~ items are sold as stock or standard items or whether the seller produces ~~thesuch~~ items on special order for the purchaser.
 - 2) The same is true when custom-made Venetian blinds, window shades, awnings, screen doors, window screens, storm doors and storm windows are sold at retail "over-the-counter" without installation by the seller as a construction contractor under Section 130.1940(c) of this Part. This is true because ~~thesuch~~ items, when produced on special order, serve substantially the same function as stock or standard items of tangible personal property ~~that~~~~which~~ is sold at retail.

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- 3) When sellers permanently affix tangible personal property, ~~such as floor coverings,~~ to real estate, they act as construction contractors and incur Use Tax rather than Retailers' Occupation Tax. (For further information regarding the sales tax liabilities of construction contractors, see the Department's regulations on Construction Contractors and Real Estate Developers at 86 Ill. Adm. Code 130.1940 and Sales to Construction Contractors, Real Estate Developers and Speculative Builders at 86 Ill. Adm. Code 130.2075.)
 - b) Labor Charges
 - 1) In computing Retailers' Occupation Tax liability on the retail sale of custom-made items, no deduction may be taken for the cost of labor involved in producing the finished item for sale. This is true whether ~~thesueh~~ production labor is included in a lump sum price with the tangible personal property or whether ~~thesueh~~ production labor is priced separately from the tangible personal property. The thing that is being sold is the finished item (~~e.g., drapes, carpeting, etc.~~), and the cost of labor involved in making ~~thesueh~~ item is no more deductible than is the cost of labor that is involved in producing a stock or standard item for sale.
 - 2) However, receipts from installation charges are deductible from total receipts in computing Retailers' Occupation Tax liability if ~~thesueh~~ charges are contracted for by the seller and the purchaser separately from the selling price of the finished tangible personal property, but even receipts from installation charges are taxable if the installation charge is included in a lump sum price with the tangible personal property (see Section 130.450 of this Part).

(Source: Amended at 27 Ill. Reg. 17216, effective November 3, 2003)

DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
650.30	Amendment
650.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Emergency Amendments: November 10, 2003
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date filed with the Index Department: October 29, 2003
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Reason for emergency: To add language to this Part indicating that it is legal to take, or attempt to take deer with shotgun, muzzleloading rifle and centerfire revolvers or centerfire single-shot handguns and to add language to Newton Lake Fish and Wildlife Area specifying the site will only allow the use of shotguns or muzzleloaders.
- 10) A Complete Description of the Subjects and Issues Involved: P.A. 93-0554, effective August 20, 2003, amended Section 2.25 of the Wildlife Code [520 ILCS 5/2.25] to allow the use of handguns during the firearm deer season. The Department has proposed amendments to this Part incorporating the use of handguns, however, they have not yet been adopted and the firearm deer season begins November 20. This emergency will ensure that these regulations are in effect on the opening day of the season.

Use of handguns is not being allowed at Newton Lake Fish and Wildlife Area because the Department leases this site from Ameren and the use of handguns was not addressed in the letter of understanding currently in effect between Ameren and the Department. Additionally, Ameren personnel feel that the use of handguns poses security concerns at the Newton Power Station.

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- 11) Are there any proposed amendments to this Part pending? Yes.

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
650.30	Amendment	September 12, 2003 (27 Ill. Reg. 14379)

- 12) Information and questions regarding these amendment shall be directed to:

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

650.10	Statewide Season and Permit Quotas
650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements – Landowner/Tenant Permits
650.22	Deer Permit Requirements – Special Hunts
650.23	Deer Permit Requirements – Group Hunt
650.30	Statewide Firearms Requirements
<u>EMERGENCY</u>	
650.40	Statewide Deer Hunting Rules
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites
<u>EMERGENCY</u>	
650.65	Youth Hunt (Repealed)
650.67	Special Hunts for Disabled Hunters
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill.

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Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days.

Section 650.30 Statewide Firearms Requirements**EMERGENCY**

- a) The only legal firearms ~~hunting devices~~ to take, or attempt to take, deer are:
- 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
 - 2) A single or double barreled muzzleloading rifle ~~muzzleloading firearm~~ of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length; or:
 - 3) Centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches. The minimum size of the firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
- b) Standards and specifications for legal ammunition are:
- 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
 - 2) For handguns, a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle.

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3) ~~Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.~~

c)b) ~~Standards~~ The ~~standards~~ and specifications for use of ~~such~~ muzzleloading firearms are as follows:

- 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
 - 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) do not qualify as a "black powder substitute".
 - 3) Percussion caps, wheellock, matchlock or flint type ignition only may be used.
 - 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm. e) ~~Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.~~
- d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites**EMERGENCY**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.

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- c) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Statewide regulations shall apply at the following sites:
 - Cache River State Natural Area (1) (2)
 - Campbell Pond (1) (2)
 - Carlyle Lake Lands and Waters (Corps of Engineers managed lands)
 - Carlyle Lake Wildlife Management Area (except subimpoundment area)
 - Chauncey Marsh (1) (2)
 - Crawford County Conservation Area (1) (2)
 - Cypress Creek National Wildlife Refuge
 - Cypress Pond State Natural Area (1) (2)
 - Deer Pond State Natural Area (1)(2)
 - Dog Island Wildlife Management Area (1) (2)
 - Ferne Clyffe State Park (1) (2)

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Fort de Chartres State Historic Site (muzzleloading rifles only) (1) (2)

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

Horseshoe Lake Conservation Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (Doza Creek Waterfowl Management Area closed during duck season)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (standby hunting allowed during the first season if all blinds not filled by youth hunters)

Mermet Lake Conservation Area (1) (2)

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26 (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (shotguns or muzzleloaders only) (2)

Oakford Conservation Area (1)

Pere Marquette State Park (hunting in designated areas only) (1) (2)

Rend Lake Project Lands and Waters (1)

Saline County Fish and Wildlife Area (1) (2)

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Sanganois State Wildlife Area (1)

Sielbeck Forest Natural Area (1) (2)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

- h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

Apple River Canyon State Park – Thompson and Salem Units (first or second season only) (2)

Argyle Lake State Park (2) (5)

Beall Woods State Park (antlerless deer only) (1) (2) (5)

Big River State Forest (2) (5)

Castle Rock State Park (first or second season only) (antlerless only) (1) (2) (5)

Coffeen Lake State Fish and Wildlife Area

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Des Plaines Conservation Area (first season only) (2) (5)

Falling Down Prairie State Natural Area (first or second season only) (2)

Fort Massac State Park (second season only) (antlerless deer only) (2)

Fox Ridge State Park (1)

Franklin Creek State Natural Area (first or second season only) (antlerless only)
(2) (5)

Goose Lake Prairie State Natural Area (tree stands not allowed; first or second
season only; antlerless deer only; "Texas" style tripod stands allowed) (2) (5)

Green River State Wildlife Area (first or second season only) (1) (2) (5)

Hanover Bluff State Natural Area (first or second season only) (2)

Harry "Babe" Woodyard State Natural Area (2) (3)

Heidecke State Fish and Wildlife Area (first or second season only) (2) (4) (5)

Hidden Springs State Forest (1)

Horseshoe Lake Conservation Area – Alexander County (Refuge, last two
Saturdays in October; antlerless only) (5)

Hurricane Creek Habitat Area

Iroquois County Conservation Area (first season only) (2) (5)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (2) (3)

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit) (1) (2)
(3)

Kickapoo State Recreation Area (2)

Kishwaukee River State Fish and Wildlife Area (first or second season only)

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Lowden-Miller State Forest (first season only) (1) (2) (3) (5)

Lowden-Miller State Forest (second season only) (1) (2) (3) (5)

Mackinaw River Fish and Wildlife Area (1) (2) (5)

Marseilles Fish and Wildlife Area (first season only) (all tree stands must be removed no later than the last day of the archery deer season) (1) (2) (5)

Marseilles Fish and Wildlife Area (second season only) (all tree stands must be removed no later than the last day of the archery deer season) (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2)

Mississippi Palisades State Park (first season only)

Momence Wetlands

Moraine Hills State Park (first or second season permits only; antlerless deer only, hunting from elevated stands only, six feet minimum above ground; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department) (2)

Morrison-Rockwood State Park (first season only) (5)

Pyramid State Park (1) (2) (3)

Pyramid State Park – East Conant Unit (1) (3)

Pyramid State Park – Galum Unit (1) (3)

Ray Norbut Fish and Wildlife Area (2) (5)

Sahara Woods (1) (2)

Sand Ridge State Forest (1) (2)

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Sangamon County Conservation Area (1)

Siloam Springs State Park (2) (3)

Snakeden Hollow Fish and Wildlife Area – Ives Unit (1) (2) (5)

Starved Rock/Matthiessen Dells State Park (Monday, Tuesday, Wednesday and Thursday before the first statewide firearm deer season only) (antlerless deer only) (2) (5)

Starved Rock/Matthiessen Dells State Park (Monday, Tuesday and Wednesday before the second statewide firearm deer season only) (antlerless deer only) (2) (5)

Tapley Woods State Natural Area (first or second season only) (2)

Union County Conservation Area (refuge, last Saturday in October)

Wards Grove Nature Preserve (first or second season only; antlerless only) (2) (5)

Witkowsky State Wildlife Area (first or second season only) (2)

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program are exempt from site's antler restrictions) (3)

- i) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: 125.145 Proposed Action: Add
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 68 FR 34207
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: November 1, 2003
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

The Food Safety and Inspection Service (FSIS) is amending its regulations to require that official establishments that produce certain ready-to-eat (RTE) meat and poultry products prevent product adulteration by the pathogenic environmental contaminant *Listeria monocytogenes*. In particular, under these regulations, establishments that produce RTE meat and poultry products that are exposed to the environment after lethality treatments and that support the growth of *L. monocytogenes* will be required to have, in their hazard analysis and critical control point (HACCP) plans, or in their sanitation standard operating procedures (SSOP) or other prerequisite programs, controls that prevent product adulteration by *L. monocytogenes*. The establishments must share with FSIS data and information relevant to their controls for *L. monocytogenes*. The establishments also must furnish FSIS with information on the production volume of products affected by the regulations. The establishments may make claims on the labels of their RTE products regarding the processes they use to eliminate or reduce *L. monocytogenes* or suppress or limit its growth in the products.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: October 30, 2003

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- 10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This peremptory amendment is in compliance with Section 5-150 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
125.10	Amend	27 Ill. Reg. 14055
125.145	Amend	27 Ill. Reg. 14055
125.340	Amend	27 Ill. Reg. 14055

- 13) Statement of Statewide Policy Objectives: Peremptory amendment does not affect units of local government.
- 14) Information and questions regarding this peremptory amendment shall be directed to:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
<u>125.145</u>	<u>Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products</u>

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection

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NOTICE OF PEREMPTORY AMENDMENT

- 125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
- 125.220 Humane Slaughter of Animals
- 125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
- 125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
- 125.250 Marking Products and Their Containers
- 125.260 Labeling, Marking and Containers
- 125.270 Entry into Official Establishment; Reinspection and Preparation of Product
- 125.280 Meat Definitions and Standards of Identity or Composition
- 125.290 Transportation
- 125.295 Imported Products (Repealed)
- 125.300 Special Services Relating to Meat and Other Products
- 125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section

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

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

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985;

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

15, 2003, for a maximum of 150 days; peremptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; peremptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003.

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION**Section 125.145 Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products**

The Department incorporates by reference 9 CFR 430 (2003; 68 FR 34207, effective October 6, 2003).

(Source: Added by peremptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003)

ILLINOIS COMMERCE COMMISSION

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part: Restricted Call Registry
- 2) Code Citation: 14 Ill. Adm. Code 300
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
300.10	Withdrawal
300.20	Withdrawal
300.100	Withdrawal
300.110	Withdrawal
300.120	Withdrawal
300.130	Withdrawal
300.200	Withdrawal
300.300	Withdrawal
300.400	Withdrawal
300.410	Withdrawal
300.500	Withdrawal
- 4) Date Notice of Proposed Rules Published in the Illinois Register:

01/10/2003 at 27 Ill. Reg. 438
- 5) Reason for the withdrawal: P.A. 93-0049 made significant amendments to the Restricted Call Registry Act, necessitating the withdrawal of the proposed rules that were published before the enactment of the amendments to the authorizing statute.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 18, 2003

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@legis.state.il.us
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR**PROPOSED RULEMAKINGS**Agriculture

1. Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities (8 Ill. Adm. Code 215)
 - First Notice Published: 27 Ill. Reg. 13669 – 8/15/03
 - Expiration of Second Notice: 12/12/03
2. Weights and Measures Act (8 Ill. Adm. Code 600)
 - First Notice Published: 27 Ill. Reg. 10138 – 7/11/03
 - Expiration of Second Notice: 12/5/03
3. Livestock Management Facility Regulations (8 Ill. Adm. Code 900)
 - First Notice Published: 27 Ill. Reg. 11326 – 7/25/03
 - Expiration of Second Notice: 11/22/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Central Management Services

4. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 27 Ill. Reg. 9656 – 7/7/03
 - Expiration of Second Notice: 12/3/03
5. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 27 Ill. Reg. 10145 – 7/11/03
 - Expiration of Second Notice: 12/3/03

Commerce Commission

6. Uniform System of Accounts for Electric Utilities (83 Ill. Adm. Code 415)
 - First Notice Published: 27 Ill. Reg. 12224 – 8/1/03
 - Expiration of Second Notice: 12/10/03
7. Uniform System of Accounts for Gas Utilities (83 Ill. Adm. Code 505)
 - First Notice Published: 27 Ill. Reg. 12229 – 8/1/03
 - Expiration of Second Notice: 12/10/03
8. Certification of Alternative Gas Suppliers (83 Ill. Adm. Code 551)
 - First Notice Published: 27 Ill. Reg. 12 – 1/3/03
 - Expiration of Second Notice: 12/10/03
9. Telecommunications Access for Persons with Disabilities (83 Ill. Adm. Code 755)
 - First Notice Published: 27 Ill. Reg. 9061 – 6/13/03
 - Expiration of Second Notice: 12/6/03

Education

10. Standards for Certification in Specific Teaching Fields (23 Ill. Adm. Code 27)
 - First Notice Published: 27 Ill. Reg. 5631 – 4/4/03
 - Expiration of Second Notice: 12/4/03

Gaming Board

11. Riverboat Gambling (86 Ill. Adm. Code 3000)
 - First Notice Published: 27 Ill. Reg. 10173 – 7/11/03
 - Expiration of Second Notice: 11/19/03

Human Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES

12. General Administrative Provisions (89 Ill. Adm. Code 10)
 - First Notice Published: 27 Ill. Reg. 11346 – 7/25/03
 - Expiration of Second Notice: 12/7/03
13. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
 - First Notice Published: 27 Ill. Reg. 11353 – 7/25/03
 - Expiration of Second Notice: 12/7/03
14. Food Stamps (89 Ill. Adm. Code 121)
 - First Notice Published: 27 Ill. Reg. 11367 – 7/25/03
 - Expiration of Second Notice: 12/7/03
15. Administrative Hearings (89 Ill. Adm. Code 508)
 - First Notice Published: 27 Ill. Reg. 1078 – 1/24/03
 - Expiration of Second Notice: 11/21/03

Insurance

16. Improper Claims Practice (50 Ill. Adm. Code 919)
 - First Notice Published: 27 Ill. Reg. 9402 – 6/20/03
 - Expiration of Second Notice: 12/11/03

Natural Resources

17. Wildlife Conservation Measures and Practices (17 Ill. Adm. Code 635)
 - First Notice Published: 27 Ill. Reg. 11385 – 7/25/03
 - Expiration of Second Notice: 11/16/03
18. White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)
 - First Notice Published: 27 Ill. Reg. 14379 – 9/12/03
 - Expiration of Second Notice: 12/13/03
19. Urban and Community Forestry Grant Program (17 Ill. Adm. Code 1538)
 - First Notice Published: 27 Ill. Reg. 13971 – 8/22/03
 - Expiration of Second Notice: 11/21/03

Pollution Control Board

20. Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
 - First Notice Published: 27 Ill. Reg. 13680 – 8/15/03
 - Expiration of Second Notice: 11/27/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Professional Regulation

21. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)
 - First Notice Published: 27 Ill. Reg. 13686 – 8/15/03
 - Expiration of Second Notice: 12/7/03
22. Nursing and Advanced Practice Nursing Act – Advanced Practice Nurse (68 Ill. Adm. Code 1305)
 - First Notice Published: 27 Ill. Reg. 9903 – 7/7/03
 - Expiration of Second Notice: 12/3/03
23. Illinois Orthotics, Prosthetics and Pedorthics Practice Act (68 Ill. Adm. Code 1325)
 - First Notice Published: 27 Ill. Reg. 14279 – 9/5/03
 - Expiration of Second Notice: 12/7/03
24. Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)
 - First Notice Published: 27 Ill. Reg. 13984 – 8/22/03
 - Expiration of Second Notice: 12/3/03
25. Clinical Psychologist Licensing Act (68 Ill. Adm. Code 1400)
 - First Notice Published: 27 Ill. Reg. 14289 – 9/5/03
 - Expiration of Second Notice: 12/7/03
26. The Structural Engineering Licensing Act of 1989 (68 Ill. Adm. Code 1480)
 - First Notice Published: 27 Ill. Reg. 12014 – 7/25/03
 - Expiration of Second Notice: 12/3/03
27. Wholesale Drug Distribution Licensing Act (68 Ill. Adm. Code 1510)
 - First Notice Published: 27 Ill. Reg. 13343 – 8/8/03
 - Expiration of Second Notice: 12/3/03

Public Aid

28. Medical Assistance Program (89 Ill. Adm. Code 120)
 - First Notice Published: 27 Ill. Reg. 10628 – 7/18/03
 - Expiration of Second Notice: 12/11/03
29. Children's Health Insurance Program (89 Ill. Adm. Code 125)
 - First Notice Published: 27 Ill. Reg. 10631 – 7/18/03
 - Expiration of Second Notice: 12/11/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

30. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 27 Ill. Reg. 5127 – 3/28/03
 - Expiration of Second Notice: 12/3/03
31. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
 - First Notice Published: 27 Ill. Reg. 10638 – 7/18/03
 - Expiration of Second Notice: 12/12/03
32. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 27 Ill. Reg. 10633 – 7/18/03
 - Expiration of Second Notice: 12/12/03
33. Reimbursement for Nursing Costs of Geriatric Facilities (89 Ill. Adm. Code 147)
 - First Notice Published: 27 Ill. Reg. 8658 – 5/30/03
 - Expiration of Second Notice: 12/24/03
34. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)
 - First Notice Published: 27 Ill. Reg. 10645 – 7/18/03
 - Expiration of Second Notice: 12/12/03
35. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 27 Ill. Reg. 10640 – 7/18/03
 - Expiration of Second Notice: 12/12/03
36. Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)
 - First Notice Published: 27 Ill. Reg. 10643 – 7/18/03
 - Expiration of Second Notice: 12/11/03
37. Child Support Enforcement (89 Ill. Adm. Code 160)
 - First Notice Published: 27 Ill. Reg. 12016 – 7/25/03
 - Expiration of Second Notice: 12/11/03

Public Health

38. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
 - First Notice Published: 27 Ill. Reg. 13345 – 8/8/03
 - Expiration of Second Notice: 11/29/03

Secretary of State

JOINT COMMITTEE ON ADMINISTRATIVE RULES

39. Literacy Grant Program (23 Ill. Adm. Code 3040)
-First Notice Published: 27 Ill. Reg. 10649 – 7/18/03
-Expiration of Second Notice: 12/5/03
40. Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)
-First Notice Published: 27 Ill. Reg. 14303 – 9/5/03
-Expiration of Second Notice: 12/6/03

State Police Merit Board

41. Procedures of the Department of State Police Merit Board (80 Ill. Adm. Code 150)
-First Notice Published: 27 Ill. Reg. 14172 – 8/29/03
-Expiration of Second Notice: 11/28/03

State Universities Retirement System

42. Universities Retirement (80 Ill. Adm. Code 1600)
-First Notice Published: 27 Ill. Reg. 8849 – 5/30/03
-Expiration of Second Notice: 12/6/03

Transportation

43. Aviation Safety (92 Ill. Adm. Code 14)
-First Notice Published: 27 Ill. Reg. 14465 – 9/12/03
-Expiration of Second Notice: 12/11/03
44. Aviation Safety (Repealer) (92 Ill. Adm. Code 14)
-First Notice Published: 27 Ill. Reg. 14404 – 9/12/03
-Expiration of Second Notice: 12/11/03
45. Airport Hazard Zoning (92 Ill. Adm. Code 16)
-First Notice Published: 27 Ill. Reg. 14577 – 9/12/03
-Expiration of Second Notice: 12/11/03

EMERGENCY RULEMAKINGSBanks and Real Estate

46. Calculation, Assessment and Collection of Periodic Fees (38 Ill. Adm. Code 375)
-Notice Published: 27 Ill. Reg. 16024 – 10/10/03
47. Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 1000)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

-Notice Published: 27 Ill. Reg. 16029 – 10/10/03

48. Savings Bank Act (38 Ill. Adm. Code 1075)
-Notice Published: 27 Ill. Reg. 16043 – 10/10/03

Public Aid

49. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 27 Ill. Reg. 15584 – 10/3/03
50. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 27 Ill. Reg. 16161 – 10/17/03
51. Hospital Services (89 Ill. Adm. Code 148)
-Notice Published: 27 Ill. Reg. 16185 – 10/17/03
52. Hospital Services (89 Ill. Adm. Code 148)
-Notice Published: 27 Ill. Reg. 16268 – 10/24/03

EXEMPT RULEMAKINGS

Pollution Control Board

53. Primary Drinking Water Standards (35 Ill. Adm. Code 611)
-Proposed Date: 7/25/03
-Adopted Date: 10/31/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 27, 2003 through November 3, 2003 and have been scheduled for review by the Committee at its November 18, 2003 meeting in Springfield. 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>
12/11/03	<u>Department of Transportation</u> , Aviation Safety (92 Ill. Adm. Code 14)	9/12/03 27 Ill. Reg. 14465	11/18/03
12/11/03	<u>Department of Transportation</u> , Aviation Safety (Repealer) (92 Ill. Adm. Code 14)	9/12/03 27 Ill. Reg. 14404	11/18/03
12/11/03	<u>Department of Transportation</u> , Airport Hazard Zoning (92 Ill. Adm. Code 16)	9/12/03 27 Ill. Reg. 14577	11/18/03
12/11/03	<u>Department of Insurance</u> , Improper Claims Practice (50 Ill. Adm. Code 919)	6/20/03 27 Ill. Reg. 9402	11/18/03
12/11/03	<u>Department of Public Aid</u> , Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)	7/18/03 27 Ill. Reg. 10643	11/18/03
12/11/03	<u>Department of Public Aid</u> , Child Support Enforcement (89 Ill. Adm. Code 160)	7/25/03 27 Ill. Reg. 12016	11/18/03
12/11/03	<u>Department of Public Aid</u> , Medical Assistance Program (89 Ill. Adm. Code 120)	7/18/03 27 Ill. Reg. 10628	11/18/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

12/11/03	<u>Department of Public Aid</u> , Children's Health Insurance Program (89 Ill. Adm. Code 125)	7/18/03 27 Ill. Reg. 10631	11/18/03
12/12/03	<u>Department of Public Aid</u> , Medical Payment (89 Ill. Adm. Code 140)	7/18/03 27 Ill. Reg. 10633	11/18/03
12/12/03	<u>Department of Public Aid</u> , Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)	7/18/03 27 Ill. Reg. 10638	11/18/03
12/12/03	<u>Department of Public Aid</u> , Hospital Services (89 Ill. Adm. Code 148)	7/18/03 27 Ill. Reg. 10640	11/18/03
12/12/03	<u>Department of Public Aid</u> , Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)	7/18/03 27 Ill. Reg. 10645	11/18/03
12/12/03	<u>Department of Agriculture</u> , Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities (8 Ill. Adm. Code 215)	8/15/03 27 Ill. Reg. 13669	11/18/03
12/13/03	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)	9/12/03 27 Ill. Reg. 14379	11/18/03

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF RESCINDED SUSPENSION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has rescinded the suspension against First Midwest Mortgage Corporation, License No. 4837 of Caseyville, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective October 28, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF RESCINDED SUSPENSION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has rescinded the suspension against HCL Finance, Inc., License No. 6500 of San Jose, CA, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective October 20, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF RESCINDED REVOCATION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has rescinded the revocation against First Franklin Financial Corporation, d/b/a Firststreet.com, License No. 5094 of Irvine, CA, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective October 20, 2003.

PROCLAMATIONS

2003-292**ASVAB Career Exploration Program Year**

WHEREAS, providing our students with information to help determine their educational and vocational goals is both a state and national priority; and

WHEREAS, the Armed Services Vocational Aptitude Battery (ASVAB) is offered by the Department of Defense in schools throughout Illinois and the entire country; and

WHEREAS, ASVAB results can be used to determine the vocational and academic aptitude of our students and provide counselors and teachers with information vital to guiding and facilitating student learning; and

WHEREAS, the Armed Forces of the United States use ASVAB to determine the capabilities of young people interested in entering the military:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the 2003 – 2004 school year as ASVAB CAREER EXPLORATION PROGRAM YEAR in Illinois, and encourage school districts to consider using ASVAB as a method of measuring students' vocational and academic aptitudes.

Issued by the Governor October 30, 2003

Filed by the Secretary of State October 31, 2003

2003-293**Pearl Harbor Remembrance Day**

WHEREAS, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii; and

WHEREAS, more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor; and

WHEREAS, the attack on Pearl Harbor marked the entry of the United States into World War II; and

WHEREAS, commemoration of the attack on Pearl Harbor instills a greater understanding and appreciation of the selfless sacrifices made by the individuals who served in the United States Armed Forces during World War II:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2003 as PEARL HARBOR REMEMBRANCE DAY in Illinois, and call upon all citizens to remember and honor those who served their country on this solemn day.

Issued by the Governor October 30, 2003

Filed by the Secretary of State October 31, 2003

2003-294**Geography Awareness Week and Geography Information Science Day**

PROCLAMATIONS

WHEREAS, Geography and Geography Information Science technology provide the tools for economic and environmental development in Illinois and across the country; and

WHEREAS, Geography Information Science Day and Geography Awareness Week are part of the National Geographic Society's Geography Action 2003, a new, year-long initiative encompassing many key educational achievements; and

WHEREAS, the theme of Geography Action 2003 is "Habitats: Home Sweet Home," which encourages children and adults alike to learn about Geography and Geography Information Science as it relates to habitat diversity, protection and restoration, while becoming actively involved in habitat conservation in their own backyards; and

WHEREAS, Geography Awareness Week and Geography Information Science Day had tremendous support last year, with over 91 countries participating worldwide:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 16 – 22, 2003 as GEOGRAPHY AWARENESS WEEK and November 19, 2003 as GEOGRAPHY INFORMATION SCIENCE DAY in Illinois.

Issued by the Governor October 30, 2003

Filed by the Secretary of State October 31, 2003

2003-295**International Education Week**

WHEREAS, four years ago, former President Clinton had the foresight to establish an International Education Week as part of his directive calling for an international education policy in the United States; and

WHEREAS, International Education Week is a joint initiative of the U.S. Department of State and the U.S. Department of Education in an effort to promote programs that prepare Americans for global environment and attract future leaders from abroad to study, learn and exchange experiences in the United States; and

WHEREAS, raising awareness, promoting tolerance and learning the language of the diverse cultures within the United States and throughout the world is a concrete and constructive way for citizens to respond to national security threats such as September 11, 2001; and

WHEREAS, throughout the week, many colleges and universities in Illinois and across the country will be holding events and activities to raise campus and community awareness of global issues and to promote international educational exchange as a way to enhance mutual understanding; and

WHEREAS, though over 20 percent of college freshman estimate that there is a very good chance they will study abroad during college, only about one percent of American students actually do so:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 17 – 21, 2003 as INTERNATIONAL EDUCATION WEEK in Illinois, and encourage all students to seriously consider the benefits of studying abroad and international exchange programs.

PROCLAMATIONS

Issued by the Governor October 30, 2003

Filed by the Secretary of State October 31, 2003